

MONTEREY COUNTY

COUNTY ADMINISTRATIVE OFFICE

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January 16, 2013

The Honorable Marla O. Anderson
2013 Presiding Judge of the Superior Court
Superior Court of California
County of Monterey
240 Church St
Salinas CA 93901

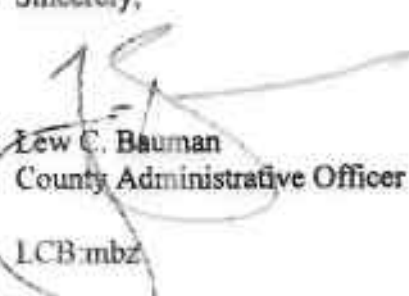
Re: Response to 2012 Monterey County Grand Jury Interim Final Report No. 1

Dear Judge Anderson:

Attached please find the Monterey County Board of Supervisors response to the 2012 Monterey County Grand Jury Interim Final Report No. 1 and the executed Board Order. The Board of Supervisors approved the response on January 15, 2013, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,


Lew C. Bauman
County Administrative Officer

LCB:mbz

cc: Charles McKee, Grand Jury Liaison

Attachments: Board of Supervisors Response
January 15, 2013 Board Order



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

- a. Approved amended response to the 2012 Monterey County Civil Grand Jury Interim Final Report No. 1; and
- b. Directed the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by January 23, 2013.

PASSED AND ADOPTED on this 15th day of January 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on January 15, 2013.

Dated: January 15, 2013
File Number: 13-0029

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy



Monterey County Board of Supervisors

Response to the

**2012 Monterey County Civil Grand Jury
Interim Final Report No. 1**

January 15, 2013

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REPORT TITLE: Election Integrity upheld by Monterey County Elections Department
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1, F-2, F-3, F-4, F-5 and F-7

Finding F-1: The allegation that voter fraud is “rampant” is unfounded. California already has a law in place that requires voters to produce ID when they register to vote. The present procedures of setting up multiple check points in voter registration and validation of a voter’s identity that is conducted by MCED appears more than adequate to safeguard voter fraud.

Response F-1: The Board agrees with this finding. The Monterey County Elections Department adheres to the procedures mandated by state and federal law with regards to requiring voter identification and has no legal authority to increase any requirements.

Finding F-2: MCED has made strong efforts to carry out the “one man, one vote” mandate by regularly updating its database, reaching out to every eligible voter and trying to make every vote count. But despite its effort, almost 6.6% of eligible voters failed to provide updated personal information (such as change of address, change of name) to the MCED or to the Department of Motor Vehicles and may therefore disenfranchise themselves.

Response F-2: The Board agrees with this finding. The county election official is required to send a pre-election residency confirmation card to all active voters listed on the county’s rolls, approximately 90 days before each statewide primary election. In 2012, over 11,000 voters (6.6% of the roll at that time) were placed on the inactive rolls for failure to re-register to vote or notify either the United States Postal System or any other government agency working with or sharing data with an election official that they had moved.

Finding F-3: MCED relies primarily on county health officer’s monthly report of death in the county, and on obituaries published in local newspaper to update its voter register. The Secretary of State also depends on the State Department of Health Services database to provide the counties with records of deceased voters.

Response F-3: The Board agrees with this finding. Generally, the Elections Department receives a report from the County Health Officer that reflects the records of those deceased in the County of Monterey the month prior. In 2012, the Elections Department worked with the County Clerk receiving death records to obtain an additional report immediately prior to the close of voter rolls in order to capture the most updated death records before printing the official Roster Index of Voters to be used for the election.

Finding F-4: 13.7% of the ballots cast by voters in the most recent election were damaged and unreadable by the optical vote tabulating scanner, primarily because voters failed to follow voting instructions. MCED had to duplicate over 7,000 ballots in order to capture the voter’s intent. The process is both costly and time consuming.

REPORT TITLE: Election Integrity upheld by Monterey County Elections Department
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1, F-2, F-3, F-4, F-5, and F-7

Response F-4: The Board partially disagrees with this finding. To clarify, the Board agrees that the statistics above are accurate and based upon data maintained for the November 8, 2011 local City, School and Special District General Elections. The Board partially disagrees with the reasons why a ballot was duplicated. The Elections Department did not capture statistics regarding the reasons why a ballot was required to be duplicated and cannot verify that it was primarily due to the voter's failure to follow the voting instructions printed directly on the ballot, or whether it was due to the voter changing their voting option, damaging the ballot by spilling food or drink upon it, or if the ballot paper had been torn or bent by the voter or the voting equipment.

Finding F-5: In 2002, the county spent almost \$4 million of tax-payers money purchasing touch-screen voting machines, software and auxiliary equipment such as printers. The voting machines were decertified by the Secretary of State in August 2007, but can be certified if they are modified to meet specific conditions. Most of them are sitting idle in the office of MCED, only some are used by the disabled during election day.

Response F-5: The Board partially disagrees with this finding. The County received grant funding under both the Voting Modernization Bond Act of 2002 (Proposition 41) and the Help America Vote Act of 2002, both of which were used to purchase the existing voting equipment. The Board agrees that the voting machines were decertified in 2007, but clarifies that the machines were immediately recertified for use under specific limitations set under the authority of the Secretary of State. In total, the County purchased 430 touch screen voting machines and auxiliary equipment. In 2010, the County sold 30 voting machines and auxiliary equipment to the County of Santa Cruz. Presently, the County owns 400 voting machines and auxiliary equipment and is permitted to deploy two machines per precinct location, one for use and one for redundancy/back-up. For each countywide election, the Department must prepare no less than 256 voting machines to be used for early voting and on Election Day. This means that no less than 64% of the equipment currently owned by the County is in use, leaving 36% that can be considered "idle" during an election. All machines are rotated into use each year in order to maintain the hardware and moving parts. Also, voting machines not used are available during overlapping elections and/or for spare parts as necessary.

Finding F-7: The office of MCED in Salinas on Highway 68 E is inadequate for its operation. Possibly usable equipment lies idle. The department has to budget an extra \$20,600 annually for leasing three storage facilities and the expense of staff time traveling to them to retrieve materials.

Response F-7: The Board agrees with this finding. The Board does agree that the Elections Department maintains operations in a rented facility that may not be adequate, requiring the Department to pay for off-site storage. The Board has continued to include the Elections Department facility as a need in its Capital Improvement Plan, but funding is not available at this time. The Board would like to clarify that all voting equipment is stored and secured inside the warehouse at the Department's main facility.

REPORT TITLE: Election Integrity Upheld by Monterey County Elections Department
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1, R-2, R-3, R-4, R-6, and R-7

Recommendation R-1: We recommend that all county supervisors and every elected official in the county visit MCED to become thoroughly acquainted with the complex procedures in voter registration, validation of identity and vote tabulation that assures election integrity. The MCED reports to the Monterey County Board of Supervisors and it is understood that only one of the five sitting members has officially visited the MCED office.

Response R-1: The Board agrees with this recommendation. The MCED has held tours and informal trainings in the past for City Clerks and members of the media. The Board will work with the Registrar of Voters to propose dates and times the Department can offer tours for elected officials to visit the Department.

Recommendation R-2: We recommend a robust voter education campaign that not only urges voters to register and vote, but urges voters to update their personal information with MCED if they change address or names, or if a family member has become deceased. Clearer instruction should be given on how to vote by mail or use the ballot. Lastly, voters should also be urged to read the voting materials mailed to them, so they become better informed voters on the issues.

Response R-2: The Board agrees with this recommendation. The Board has approved the permanent hire of a Program Manager for public outreach and education. That position was filled in January 2012, vacated in August, and refilled permanently in September 2012. The Elections Department has an outreach plan in place and has participated in over 70 outreach and educational opportunities since February 2012.

Recommendation R-3: We recommend that MCED and the Secretary of State utilize the Social Security Administration's master death index to regularly update the voter registration database.

Response R-3: The Board neither agrees nor disagrees with this recommendation. This recommendation, in whole and in part, would require legislative action or at minimum, administrative action initiated by the Secretary of State. Presently, there is no regulation or state law to allow local county election officials to access the Social Security Administration index; state law mandates the procedures for cancellation of voters upon notice of death from the county health officer. The Secretary of State's office works with the Social Security Administration to confirm the identity of electors who are registering to vote. The MCED will make this recommendation to the Secretary of State for administrative action.

Recommendation R-4: Because of the high rate (13.7%) of damaged ballots due to voters' failure to follow balloting instructions, we urge the consideration of a better designed and more user-friendly ballot for future elections. One alternative may be the redeployment of touch-screen voting machines once public confidence in tamperproof electronic devices is fully restored. A different

REPORT TITLE: Election Integrity Upheld by Monterey County Elections Department
RESPONSE BY: Monterey County Board of Supervisors
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way of tabulating votes should also be considered, because the three central optical high-speed scanners had problems "reading" a high percentage of ballots in the last election.

Response R-4: The Board partially disagrees with this recommendation. Until the County obtains newer voting technologies, the current ballot format and limitations on existing voting equipment must be adhered to. The County's existing voting technology is certified for use under strict limitations and cannot be redeployed at higher numbers under current certification conditions. Please also see the response to Finding F-4. It is unclear whether damaged or unreadable ballots are due to voter errors or the tabulation system. The MCED agrees that more statistics can be gathered and increased voter education is important, in addition to obtaining newer and improved technologies. The County's current system cannot be redeployed due to factors such as limited conditions for use, the sale of Sequoia Voting Systems Inc. to Dominion Voting Systems has halted development of Sequoia's equipment for recertification and increased use. The only option for Monterey County, and other counties in California, is to seek newer voting technologies.

Recommendation R-6: We recommend that the Board of Supervisors support a proposal by the MCED for a different facility with at least 25,000 square feet space mentioned earlier in order to provide adequate space during the election period and to provide on-site storage of all MCED property and records.

Response R-6: The Board agrees with this recommendation. Please see the response to Finding F-7.

Recommendation R-7: The MCED should work with the Secretary of State to resolve the issue of the idle Sequoia Voting Machines.

Response R-7: The Board disagrees with this recommendation. This recommendation is not possible. Sequoia Voting Systems, Inc. was purchased by Dominion Voting in 2010. The current system manufactured by Sequoia in the mid-1980s is no longer manufactured and there are no plans to update the antiquated technology. However, the Board does agree that it should work with the MCED and the Secretary of State to utilize all remaining federal grant funds towards the acquisition of new and proven voting technology.

BOARD OF DIRECTORS

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SENIOR ENGINEER

ROBERT WELLINGTON
COUNSEL

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Waste of the Last Chance. Monroville

January 18, 2013

Monterey County Civil Grand Jury
PO Box 414
Salinas, CA 93902

RE: Response of the Board of Directors of the Monterey Regional Waste Management District (MRWMD) to 2012 Monterey County Civil Grand Jury Interim Final Report No. 5 - "Salinas Valley Solid Waste Authority (SVSWA)"

Dear Sir or Madam:

This letter is sent as a requirement of the Monterey County Civil Grand Jury (CGJ) Interim Report titled: "2012 Monterey County Civil Grand Jury Interim Final Report No.5 - Salinas Valley Solid Waste Authority". The responses by the Board of Directors of the MRWMD are as follows;

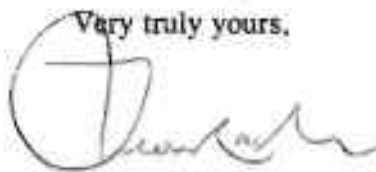
Finding F2 states: *From its investigation of both landfills in Monterey County, SVSWA and MRWMD, the CGJ has found that both are on target towards goal of 75% waste diversion by 2020 as per AB341. The reduction of landfill tonnage and the decrease in revenues has forced SVSWA and MRWMD to look at other sources to gain lost income.*

MRWMD Reply. The Board agrees with Finding F2, and in that regard notes that the District, in cooperation with its member agencies and the service providers servicing those communities, is achieving waste diversion rates well in excess of the 50% diversion levels mandated under Assembly Bill 939. According to District records the member agencies of the District have achieved between 60% and 70% diversion for the year 2011. In recent years, pursuant to contract, the District has begun to accept waste from outside of the District boundaries for disposal in the Monterey Peninsula Landfill. The purpose in accepting such waste is to add new revenue, without adversely affecting the anticipated 150-year life of the landfill.

Recommendation R2: *The CGJ recommends that the staff of both SVSWA and MRWMD continue to work on the common area of interest and benefit to address waste in Monterey County to the betterment of its citizens. It is the CGJ's recommendation that a consolidation of the two agencies should occur.*

MRWMD Reply. This recommendation has been implemented in part and will be reviewed and analyzed for further Board consideration. More specifically, the General Managers of the SVSWA and the MRWMD have been meeting regularly during 2012, and will continue to do so in 2013. The purpose in meeting is to discuss and determine areas of mutual interest to improve efficiencies in operations by working more closely together. The District Board expects to be reviewing and discussing the other issues related to the SVSWA, including consolidation, during 2013.

Very truly yours,



Leo Laska, Chair

cc: Hon. Timothy Roberts, Presiding Judge
Leslie J. Girard, Chief Assistant County Counsel
MRWMD Board of Directors
William M. Merry, MRWMD General Manager
Robert Wellington, MRWMD Legal Counsel
Salinas Valley Solid Waste Authority Board of Directors
Patrick Matthews, SVSWA General Manager
Thomas Bruen, Esq., SVSWA General Counsel
Monterey County Board of Supervisors
Lew Bauman, Monterey County CAO
Charles J. McKee, Monterey County Counsel
Salinas City Council Members
Ray E. Corpuz, Jr., Salinas City Manager
Vanessa Vallarta, Salinas City Attorney



TC

Working for a future without landfills...

January 25, 2013

The Honorable Marla O. Anderson
Presiding Judge of the Superior Court
County of Monterey
P.O. Box 414
Salinas, CA 93902

RE: SVSWA Response to 2012 Monterey County Civil Grand Jury – Interim Final Report No. 5

Honorable Judge Anderson:

Attached please find the Salinas Valley Solid Waste Authority Board of Directors response to the County Civil Grand Jury Interim Final Report No. 5 unanimously (8-0 vote) approved by the Authority Board of Directors at its January 24, 2013, regular public meeting.

Sincerely,

Fernando Armenta
Authority Board President

Enclosure: SVSWA Civil Jury Response, Interim Final Report #5, 1/24/13

Salinas Valley Solid Waste Authority
Response (in italics)

**2012 MONTEREY COUNTY
CIVIL GRAND JURY**

INTERIM FINAL REPORT NO. 5

SALINAS VALLEY SOLID WASTE AUTHORITY

SALINAS VALLEY SOLID WASTE AUTHORITY

SUMMARY

The 2012 Monterey County Civil Grand Jury (CGJ) decided to investigate the Salinas Valley Solid Waste Authority (SVSWA) based upon numerous news articles reporting improper public meetings and negative consumer reactions to rate increases on both residential and commercial customers. Also the opposition of the city of Gonzales residents towards SVSWA's proposal of a waste-to-energy plant near Gonzales at the Johnson Canyon Landfill caught our attention. Finally, the CGJ was advised of the possibility of social justice issues regarding the Sun Street Transfer Station (SSTS) in the city of Salinas.

Comments:

(a) Newspaper Reports.

To our knowledge, there were no newspaper reports of "improper public meetings" held by the SVSWA. There was an allegation that the SVSWA had "only" provided 50 English-Spanish translation listening devices at one properly noticed and conducted CEQA scoping session held in the City of Gonzales in February 2012. This incident is discussed below, and in no way in our opinion would lead any reasonable person to conclude that the SVSWA had conducted "an improper public meeting." At all times the SVSWA has conducted its public meetings only after proper public notice, in full compliance with the California "Open Meetings" Act (aka the "Brown Act"). The SVSWA has been scrupulous in making its decision in full compliance with the Brown Act. The SVSWA has not made important public policy decision in closed session—a fact that we respectfully submit cannot be said of other public agencies. Perhaps this issue would be an appropriate subject of future inquiry by the Civil Grand Jury.

(b) Plasco Conversion Technology Project (Possible Site: Johnson Canyon Landfill near Gonzales).

The City of Gonzales does not oppose or support the proposed Conversion Technology project. As with the SVSWA, they have shown interest in the economic and environmental benefits such a project could bring to the region. Both the City and the SVSWA have been supportive of a comprehensive Environmental Impact Study to further evaluate and compare this project against continued landfilling. Opposition to this technology here and in other jurisdictions has been led by a special interest group out of San Francisco aligned with a small group of local residents. We do not believe this special interest group represents the collective opinion of the residents and businesses of Gonzales.

Waste-to-energy is the recognized general term for incineration (burning), although this

new and safer traffic pattern for the transfer trucks owned by the Authority, the operation of a 4,000 gallon bio-diesel fuel tank (20% pure bio-diesel and 80% diesel) and increasing the customer services hours by one hour.

At the meeting only two members of the public attended and neither made a reference to social justice issues related to the permit revision, nor the location of the transfer station. Also, neither the LEA or CalRecycle, the state agency responsible for approving and issuance of transfer station permits, received any written documents regarding any issues including social justice concerns.

In response to a public records request to the County, John Ramirez, MBA, REHS, Director, Environmental Health Bureau states in a letter dated January 14, 2013 "You [the SVSWA] have requested copies of all "correspondence to and from the Environmental Health Bureau with the public, businesses, local jurisdictions and elected officials regarding Civil Grand Jury alleged "social justice issues" related to the Sun Street Transfer Station "over the last 48 months" or "a statement to the effect that neither the LEA nor the EHB have received such concerns/complaints during the last 48 months." We have nothing responsive to this request."

For these reasons, respectfully, we believe the CGJ was misinformed that members of the public had raised social justice issues with respect to the Salinas Transfer Station.

The CGJ found that the financial stability of this agency is questionable. We believe it would be in the best interest of all the citizens of the County if only one waste authority served the entire County. This revised structure would allow for the elimination of duplicate management, would optimize the existing landfill infrastructure and would create a reasonable pathway to eliminate the significant unsightly, and perhaps, unsafe, transferring of residential trash in central Salinas.

Comment: (a) The SVSWA Is Financially Stable.

There is no factual information contained within the CGJ report that would lead a reasonable person to believe that the SVSWA is not financially stable, and or that there are any questions as to its financial stability. Therefore it is difficult for us to respond in detail to this statement other than to say that it is simply not true.

What is true is that the SVSWA does have a significant bond debt which it incurred at its formation in order for it to assume the already accrued long term liabilities of the County and of the City of Salinas for the four landfills in the SVSWA boundaries. Prior to the creation of the Authority in 1997, the 4 operating landfills (3 owned by the County, 1 owned by the City of Salinas) suffered environmental degradation and an inadequate financial plan to meet mandates and obligations under California law (Titles 14 and 27 of the California Code of Regulations), in addition to a large number of permit violations for all of these facilities due to the inadequate financial resources of these agencies. The County General Fund subsidized customer rates and spending at more than \$2 million each year to support its underfunded landfill sites.

The SVSWA did not create these long term landfill liabilities; they were transferred to the SVSWA upon its formation. Since its formation the SVSWA has rectified the deficiencies in the solid waste system in the Salinas Valley, has brought all four facilities into full regulatory compliance, and has been putting policies, practices and programs forward to make the system sustainable. Funding of bond debt and operations expenses of the agency have and continue to be adequate to meet these long term public facility obligations. The SVSWA is paying the debt as required, maintaining compliance with our bond covenants, while fully supporting all of our services and programs and are not running a deficit. In addition, all of our members agencies are meeting their State mandated recycling goals.

Furthermore, we believe one agency would be in a better position to make long range strategic decisions about new trash processing technologies than having competing agencies trying to optimize these decisions.

Comment: The SVSWA was formed when the County and the Salinas Valley Cities came together to fulfill a common need and to overcome these significant challenges: to eliminate Monterey County's \$2 million annual general fund subsidy to the landfills, to provide disposal capacity for City of Salinas residents due to the closure of the Crazy Horse Landfill, to give South County cities control over their waste and to comply with the California Integrated Waste Management Act mandating diversion from landfills and collection of household hazardous waste. The agency's formation thus represented the consolidation of regional solid waste planning and management from six member agencies to one combined Salinas Valley joint powers authority. The question raised by the CGJ is whether further consolidation is warranted and would provide a net benefit to ratepayers and the public.

The Marina District and the SVSWA are not in competition. The two agencies have worked cooperatively on a number of issues of common interest. Both agencies share new ideas on management and technology, and are working cooperatively at the county-wide level through the County Integrated Waste Management Task Force and the Central Coast Recycling Media Coalition.

The District and Authority staffs have met to discuss and examine possible means of consolidating their operations and to consider the subject of merger. There are a number of practical and political reasons that suggest merger of the two agencies would not be an easy accomplishment, although we certainly believe it would not be insurmountable. From the SVSWA's perspective, any merger of the two agencies would need to address the SVSWA's bond debt, which as mentioned above was mostly incurred when the SVSWA was formed. Would the ratepayers in the District be willing to pay for the bond debt associated with Salinas Valley landfill sites that they and their jurisdictions had not used in the past? Would the Authority members be willing to take on the added \$17 million in new bond debt being proposed by the District? Would the two agency members on the SVSWA Board that have more than one vote (i.e., the City

of Salinas has three votes on a nine member board; the County has two votes) on the Board be willing to join the Marina Board with only one vote, or would the Marina District jurisdictions be willing to give these agencies additional or weighted voting on their board? Would it be possible to economically serve all South Valley cities and District residents with only one landfill, and what landfill should serve that purpose?

As the saying goes, "the Devil is in the details." We encourage a full, open and transparent discussion by all involved agencies to consider the pros and cons of consolidation. The SVSWA is not opposed to an open discussion of a merger of the two agencies, but we submit there are serious issues that need to be addressed in a thoughtful and objective manner before rendering any judgment as to whether such a merger would be practical and beneficial to all jurisdictions concerned.

BACKGROUND

The SVSWA, a Joint Powers Agency, was formed in 1997 to manage the four operating landfills in the Salinas Valley. Three of the landfills were owned by Monterey County, (Lewis Road, Jolon Road, and Johnson Canyon), and one was owned by the City of Salinas (Crazy Horse Canyon). These landfills served the northern and eastern unincorporated Monterey County and the cities of Gonzales, Greenfield, King, Soledad, and Salinas.

The SVSWA's Board of Directors has nine members composed of three members from the Salinas City Council, two members from the Monterey County Board of Supervisors, and one member from each of the city councils of Gonzales, Greenfield, King, and Soledad.

The remaining portion of Monterey County not served by SVSWA is managed by the Monterey Regional Waste Management District (MRWMD). They operate a significant landfill outside the city of Marina.

All four landfills owned by the SVSWA needed improvements to meet new State and Federal regulations. The Authority needed \$39.8 million dollars in bonds to improve environmental controls, meet new federal standards for landfill design, expand landfill capacity, and close three of the four landfills. The closings of the three landfills require a long term annual expense of \$3.1 million per year. This money covers the annual liability to monitor the status of the three landfills with regard to possible pollution of the environment outside of the sites. This monitoring is mandated by State and Federal regulations and the typical landfill is required to do this monitoring for at least 30 years after it is officially closed. Also, a certain amount of funding is required each year to cover the possibility of remedial action if the monitoring reveals problems.

Clarification: The \$3.0M in annual expense not only covers the annual monitoring and maintenance of the closed SVSWA landfills, but also covers the portion of the SVSWA debt that was required to repair and close three of the SVSWA's four landfills after the agency was formed. All four landfills were transferred to the SVSWA with inadequate funding to

cover repairs, closure, post-closure maintenance, required landfill expansions, and installation of newly mandated and/or previously deferred environmental control systems.

The SVSWA established the Conversion Technology Commission (CTC) in 2005. There are four members on the CTC, one council member from each of the city councils of Gonzales, Salinas, Greenfield, and Soledad. The CTC was set up to investigate viable non-combustion technologies and focus on selecting a company that would be responsible for environmental analysis, financing, designing, constructing, and operating the facility.

The CTC spent the next seven (7) years studying and visiting facilities in the State of California, other locations in the US and Canada, and Asia. The CTC spent approximately \$1.5 million to learn about these new conversion technologies that were intended to replace landfills. The CTC eventually focused on gasification and how it can convert trash to a fuel known as "syngas" that can be used to generate electricity.

Correction: The CTC spent \$339,525 over the multi-year study period, not \$1.5 million. This study was the result of a strong public opposition to building new landfills and support for looking at alternatives to future landfilling.

In 2005, SVSWA purchased six acres of property on Sun St., in the heart of Salinas for \$3.73 million and spent another \$650 thousand on site improvements. This site was set up due to the pending closure of the Crazy Horse Canyon landfill because it was running out of capacity. With no other convenient landfill for Salinas residents to drop off waste, other than traveling some eighteen miles to Johnson Canyon landfill, there is a need for a drop off location in Salinas. It is important that citizens living in a densely populated urban area are provided a convenient location to drop off waste that they must handle themselves.

Correction: The Sun Street transfer station was purchased because the Authority and Waste Management could not come to terms in a timely manner on the acquisition of the Madison Lane Transfer Station. Additionally, the County stated that the Authority would be responsible for construction of an alternate access route (the Rossi Street extension) to avoid traffic impacts in the adjacent Boronda residential community.

That said, we appreciate the CGJ's recognition that "It is important that citizens living in a densely populated urban area are provided a convenient location to drop off waste that they must handle themselves." That is precisely the core goal of the Sun Street Transfer Station and a future materials recovery center.

In order to offer the residential waste pick-up contractor for greater Salinas, a re-handling site to consolidate its residential waste pick-ups, the SVSWA allows all residential waste to come to the SSTS and be dumped on the ground. This waste is then reloaded into larger vehicles for the eighteen mile drive to Johnson Canyon. This limits the number of trips for large vehicles going from the Salinas area to Johnson Canyon each working day.

Comment: While the current SSTS is functioning as an intermediary point to

consolidate and transfer Salinas wastes to the Johnson Canyon Landfill, the SVSWA long range strategic plan is the development of an advanced materials recovery center in the Salinas area to further process and recover recyclable products prior to transfer. This provides several major benefits including 1) reduction of greenhouse gases, 2) increase in recycling levels, 3) extends landfill life, 4) process 80% of the waste generated (Salinas and North County) near its source, and 5) the project would generate green jobs and economic growth in the Salinas area. The Monterey County Business Council report supporting the economic value of the Authority and the Autoclave as part of the Materials Recovery Center can be found as Attachments 3a and 3b.

The franchise collector, Republic Services, submitted their proposal to the City of Salinas assuming there would be a transfer station in Salinas as there has been for several decades. This franchise agreement is between the City and the Franchise Hauler, Republic Services.

The SSTS is also a hazardous waste drop-off site, a material recovery center, and operates a recyclables area.

This site is scheduled to become part of a new city of Salinas's redevelopment project. Therefore, the SVSWA is now looking at a new transfer site to replace SSTS located not far away on Work Street in Salinas.

INVESTIGATIVE METHODOLOGY

The 2012 CGJ interviewed numerous persons familiar with SVSWA. Those interviewed were three members of the nine member Board, two Mayors, a County Health Department Official, and the General Managers of SVSWA and MRWMD. Two members of the CGJ attended SVSWA's public meeting on a proposed rate increase. Various documents reviewed included 2002-12 minutes of meetings, and the 2011-15 budgets of SVSWA. Also examined were past minutes, 2012-13 budget, and the 2010-11 Annual Report of MRWMD.

Comment: The SVSWA President, Fernando Armenta (County Supervisor representing Monterey County) has indicated that he was not included in the investigation interviews as an individual familiar with the SVSWA. Director Armenta is the only SVSWA Board member that has been on the Board since the agency was formed in 1997; knows the SVSWA history, and has a wealth of information that would have been pertinent to this investigation.

Also, the 2010-11 or 2011-12 SVSWA Annual reports were not included in the documents reviewed, only the report of the MRWMD. This compilation of SVSWA financial information would have been helpful to the CGJ in conducting a balanced

and thorough investigation, and might have helped dispel any impression the CGJ might have that the SVSWA was not financially stable.

Site visits were included in the investigation. The CGJ visited SVSWA's SSTS and Johnson Canyon Landfill (JCL) along with the new proposed waste transfer site that is intended to replace SSTS. We visited the MRWMD to get a perspective of how other waste facilities operate.

The CGJ referenced a number of articles through web sites including, but not limited to, sites on SVSWA, MRWMD and Plasco Energy Group.

The CGJ reviewed many newspaper articles on SVSWA, including the Salinas Californian, the Monterey Herald, and the Monterey County Weekly. These articles covered SVSWA's rate increase proposal, the protests of Gonzales residents on the Plasco waste-to-energy project proposed for Johnson Canyon Landfill, and public information meetings explaining reasons for rate hikes.

Comment: We hope the CJG was able to review the plethora of articles supporting this project and the State, national and international discussions surrounding advancement of non-landfill waste management opportunities, and not just focus on the negative comments made to the media by an outside special interest group opposed to advanced waste handling technologies such as Plasco's proposed Conversion Technology (not Waste-to-energy incineration). These types of technologies are already common place in Europe and Asia, and becoming more common in the U.S. as the standard for post-recycled waste management (in lieu of landfilling). In fact, the Army at Fort Hunter Liggett is moving forward with its own gasification project.

FACTS RELEVANT TO THE INVESTIGATION

In 1997, the SVSWA formed contract agreement No. A-07261. In the Agreement, it stated on line No. 19 -Term and Withdrawal: (a) A Party to the Agreement may not withdraw from the Authority for a period of 15 years after the execution of this Agreement.

Comment: The County has provided notice to the SVSWA of its intent to withdraw from the Agreement. However, it should be noted that the Joint Powers Agreement and the County Board of Supervisor's Resolution and contractual commitment of the County waste stream within the SVSWA boundaries to the SVSWA's facilities both mandate that these bonds be paid in full before the County can withdraw from the JPA. (As mentioned earlier, much of this debt was accumulated to rectify problems with the three County owned sites inherited by the SVSWA at formation.) The SVSWA's other member agencies had agreed to meet and confer with the County over these withdrawal issues in the hope of reaching a resolution mutually acceptable and fair to all agencies and their rate payers.

County records also reflect their understanding that withdrawal could likely raise rates

on all other Salinas Valley Cities left to manage these old public liabilities of the County (Attachments 4a and 4b).

In 2002, the SVSWA issued \$39.8 million in bonds to raise money for unexpected expenses arising from closures of landfills and environmental obligations.

Clarification: As discussed earlier, the need for the SVSWA bond funding was far from unexpected. Facility/Site Inspection records as early as 1993 indicate violations for environmental control system deficiencies. The first bond issue in 1997 of \$9.8 million was consolidated with the second issuance in 2002 of \$30 million for the purpose of creating and improving environmental control systems to ensure compliance with operating permits and to provide funding for planned landfill expansion that was not provided to the SVSWA at its formation.

As an example, the funding needed to close the Jolon Road (1997) and Lewis Road (2002) Landfills exceeded the funds provided by Monterey County by \$4.9 million.

In 2005, the SVSWA set a goal of 75% diversion by 2015 based on California state law (AB-939) 50% yearly rate.

Correction: The SVSWA goal of 75% diversion was not based on AB-939 which required a minimum 50% diversion rate. The Authority established its own higher goal as a result of its desire to reduce landfilling and establish a more comprehensive waste management system that does not rely on landfills in the future. All SVSWA jurisdictions are well above the State's minimum requirement of 50% diversion with a regional average diversion of 71% for the five Salinas Valley Cities in 2011.

In 2007, SVSWA took over the operations of SSTS.

SSTS is limited to receiving 400 tons of waste at the site on a daily basis. All waste generated daily by the pick-up contractors above the 400 ton limit is diverted to a waste re-handling site operated by Waste Management, a public company, at its site on Madison Lane in Salinas.

In 2005, SVSWA formed the CTC to explore non-combustion technologies. The four member Commission visited both aerobic and anaerobic composting facilities materials recovery facilities, the UC Davis Bio digester, ATG Autoclave units in Shakopee, Min., CR3 Autoclave demo in Reno NV, Crow's Landing Covanta's Plant, gasification plants in California and Japan, and a plasma arc gasification facility in Canada.

The CTC, after years of research, conferences, and discussion narrowed their choices for a non-combustion based technology diversion program to two top vendors, Plasco and Urbaser S.A.

Comment: The proposal for an anaerobic digestion process was included in the top ranked proposals, but was later withdrawn at the request of the vendor.

In 2010, the CTC, recommended to SVSWA that Plasco Energy of Ottawa, Canada be the desired bidder. The SVSWA approved Plasco over other gasification vendors largely because of the Ottawa's-based company's lower price point, attributed to the higher rates Plasco could get with Renewable Portfolio Standard (RPS) certification. This pre-certification was granted to Plasco in 2010.

Clarification: Other factors leading to the selection of Plasco's technology for further environmental review in accordance with CEQA were the potential for diverting more materials from the landfill, the ability to scale the facility larger or smaller to meet the SVSWA's actual waste conversion needs, the estimated amount of energy generation potential, and the economic and job related benefits.

In 2011, the SVSWA held numerous public meetings and used media advertising for the proposed Plasco project at the Johnson Canyon landfill. The SVSWA concentrated their public outreach programs in Gonzales. The meetings were designed to educate the citizens of Gonzales about SVSWA's goals of a future without landfills by using this new conversion technology. There was a negative reaction to this new technology by the residents of Gonzales. At this time a bay area environmental group, Green Action for Health and Environmental Justice, became involved in the process.

Clarification: It is a disservice to residents of Gonzales to conclude that a small group of individuals, some of whom are not Gonzales citizens, represent all residents. The negative reaction was initiated by San Francisco's Green Action for Health and Environmental Justice which held its first meeting regarding the Authority's proposal, on August 8, 2009. The negativity was perpetuated by Green Action and its alignment with Asamblea de Poder Popular de Gonzales using misrepresentation of the technology and the intentional and unfounded spreading of scientifically unproven health and safety concerns. As an example, Green Action brought in UC Santa Cruz students to go door-to-door in Gonzales and citizens were told complete fabrications about the project to create fear, again, based on unproven concerns. For example, citizens were told the SVSWA was going to import garbage from Los Angeles, and that the project would have a giant smokestack releasing toxic black smoke, neither of which is true. Residents were told the refuse would be burned, which is factually and scientifically wrong. Most importantly, citizens were not told how strict the regulations and oversight are for a facility of this type or that the SVSWA was actually moving forward towards an environmental impact report to assess and compare the proposed conversion technology against continued landfilling before any decision would be made to build such a project.

In June 2012 Cal Recycle reversed its position and withdrew its' RPS certification of Plasco's technology. Without the RPS certification, Plasco is unable to sell its power at a premium. Without

Residential Monthly Rates – January 2013

Jurisdiction	Cost for Service	Franchise Fee %	Franchise Fees to City	Net to Hauler
Served by Monterey Regional Waste Management District				
Unincorporated County	\$26.43	10%	\$2.64	\$23.79
Carmel	\$25.45	10%	\$2.55	\$22.91
Seaside*	\$23.43	15%	\$3.51	\$19.92
Marina*	\$20.24	10%	\$2.02	\$18.22
Monterey	\$17.34	10%	\$1.73	\$15.61
Average	\$22.58		\$2.49	\$20.09

Served by Salinas Valley Solid Waste Authority				
Unincorporated County	\$26.43	10%	\$2.64	\$23.79
Greenfield	\$23.42	20%	\$4.68	\$18.74
Soledad	\$23.42	20%	\$4.68	\$18.74
Gonzales	\$23.35	20%	\$4.67	\$18.68
King City	\$19.17	12.5%	\$2.40	\$16.77
Salinas	\$20.87	26%	\$5.43	\$15.44
Average	\$22.78		\$4.08	\$18.69

*includes optional green waste service

The SVSWA provides public services in a very cost competitive way. When compared to the MRWMD, the SVSWA is providing its suite of services at an estimated cost of \$64 per capita (approved budget divided by service area population), while the MRWMD provides its services at an estimated cost of \$96 per capita. The SVSWA cost of services can be more appropriately reduced to \$52 per capita when the long term liabilities associated with closed landfills is removed from the equation. The MRWMD does not carry long term, closed landfill liabilities as does the SVSWA.

In 2012 the SVSWA proposed a rate increase to its customers. Several meetings were held in Salinas and Gonzales on this subject. Much negativity and distrust was evident from the citizens of these communities. This was mostly due to a lack of proper rate information available to both the commercial and residential customers.

Comment: Public outreach meetings were held in advance of approving rate changes in Salinas, Gonzales, Prunedale, King City, Soledad, Greenfield and San Ardo. While some individuals react negatively to any rate increase, the very low attendance at each of these meetings indicated to the SVSWA that there was not overwhelming public concern or opposition to the proposed increase. Comments were also received supporting the proposed increase due the beneficial nature of the SVSWA services.

Separately, in a meeting in Gonzales, there was a shortage of Spanish headsets for the mostly Spanish speaking audience.

Comment: Assuming this reference is to the Scoping Meeting in conjunction with the environmental review of the Plasco technology proposed for the Johnson Canyon Landfill. There were 67 people seated in the audience at the commencement of the meeting. There were 50 translation headsets provided. It is a reasonable conclusion that individuals who did not need headsets took them as part of an organized effort to disrupt the public meeting and stage a protest to discredit the process and the Authority. State officials from CalRecycle in attendance also noted that many people who took headsets did not use them and children were seen playing with the units during the meeting.

The Environmental Health Bureau (EHB) of the Monterey County Health Department staff attends SVSWA meetings each month to be apprised of pending or proposed rate increases or operational changes to determine impacts to county residents within the SVSWA jurisdiction.

It has been noted that there have been many times where a posted (online) agenda item (report to the SVSWA board) creates concern with the EHB staff as the agenized item has no report posted on the SVSWA website. This does not provide the EHB staff the opportunity to know in advance what will be presented or discussed.

Clarification: Presentations made to the Board of Directors which had no item included in the agenda posted on the Authority's website, were in every case except Closed Session, items of informational nature and had no Board action. The EHB in their two roles as the County solid waste agency and as the State's designated Local Enforcement Agency (LEA) for solid waste activities receive information at the same time as the Board of Directors. This is the appropriate protocol for distribution of information utilized by all local government agencies. The EHB and/or LEA are consulted in advance when necessary. As an example, the SVSWA met with EHB staff prior to agenizing the proposed rate increases in last year's budget to seek their input.

The EHB, (county), being a member of the SVSWA is concerned by this lack of communication at these SVSWA meetings. The EHB has regulatory responsibilities to respond or comment on items that may impact county residents in the unincorporated areas of the county.

Clarification: Every item on the Authority's agenda, excepting closed session items, allows the public the opportunity to comment. The Environmental Health Bureau is not a member of the SVSWA, the County of Monterey is, and is represented by two Supervisors whose districts fall within the Authority's boundary. Staff consults with the EHB in their role as LEA whenever regulatory or permitting issues arise.

An example of the above occurred on the February 16, 2012 SVSWA's meeting. The agenda regarding the SSTS and a proposed replacement transfer station (Work St.) and a new operation (Autoclave) were unknown to EHB until they attended the meeting. The EHB was not provided any prior information or included in any design or operational discussion which would affect existing or future permits.

Clarification: The February 16, 2012 item discussion of the transfer station relocation has been ongoing since 2008 and the EHB/LEA is in attendance at most of the SVSWA meetings and is fully aware of this proposed project. The title of the agenda item was: Sun Street Transfer Station Relocation and Autoclave Waste Recovery Project Update. The presentation provided was an update to the Board on the options for a Salinas Transfer Station at City of Salinas owned property on Work Street or the Madison Lane transfer station. A sample of the layouts and possible components of the facilities were included, as was a summary of the autoclave testing program in place since 2006. One of the slides clearly indicated that environmental review, permitting and final site design were all future steps. The Board was not asked to make any decisions, other than to accept the report, and no direction was provided other than to reiterate previous instructions to staff. As required, the EHB/LEA will be consulted once permitting activities for the new facility are initiated.

The CGJ is also referred to Resolution No. 2009-11 adopted by the Board of Directors including affirmative votes by County Supervisors Armenta and Calcagno, on March 19, 2009. The Resolution approves a Memorandum of Understanding with the City of Salinas for acquiring property on Work Street as "an alternative site for a new and expanded transfer station, materials recovery facility and household hazardous waste collection facility."

The Autoclave is not a new operation, but has been the subject of a pilot project with the United States Department of Agriculture since 2007. The EHB issued approval of the submitted permit related documents for waste handling concerning this project on July 24, 2007, September 5, 2007, March 11, 2011 and a Notification pending received by the EHB on December 7, 2012.

The Monterey County Health Department, Environmental Health Division is designated by CalRecycle as the Local Enforcement Agency (LEA). The LEA is responsible for administering and enforcing laws and regulations relating to the collection, handling, storage, and disposal of solid waste materials in Monterey County. The goal of the LEA is to protect public health and safety through routine inspection of active and closed landfills, transfer stations, compost facilities, material recovery facilities, and refuse collection vehicles and yards. The LEA is also responsible for issuing solid waste facility permits as well as investigation of complaints associated with illegal dumping, disposal,

and storage of solid wastes. (Source: Monterey County website). As such the SVSWA has no obligation to include the LEA in the design or operations discussion during the planning for a proposed facility.

Certainly, a future permit process and preparation of CEQA documents requiring the LEA involvement, although it will not commence until the later part of 2013. As with every other new or amended permit application or notification, the SVSWA will work closely with EHB/LEA to ensure every document is submitted completely and correctly.

The EHB is the Local Enforcement Agency under Cal Recycle of the State of California for all solid waste facilities in Monterey County. The EHB also is the contract administrator for the Unified Franchise Agreement for solid waste hauling services for the unincorporated areas of Monterey County.

Comment: Authority staff believes that the dual role of the EHB/LEA may be contributing to some of the issues raised here. How can one agency impartially regulate landfills and transfers stations which are affected by the solid waste franchise agreements and represent policy and operational membership in the SVSWA that it administers? This apparent conflict of interest is something that the CGJ should take into account. As such, any comments provided by the EHB should be reconsidered due to its apparent conflict of interest in this instance.

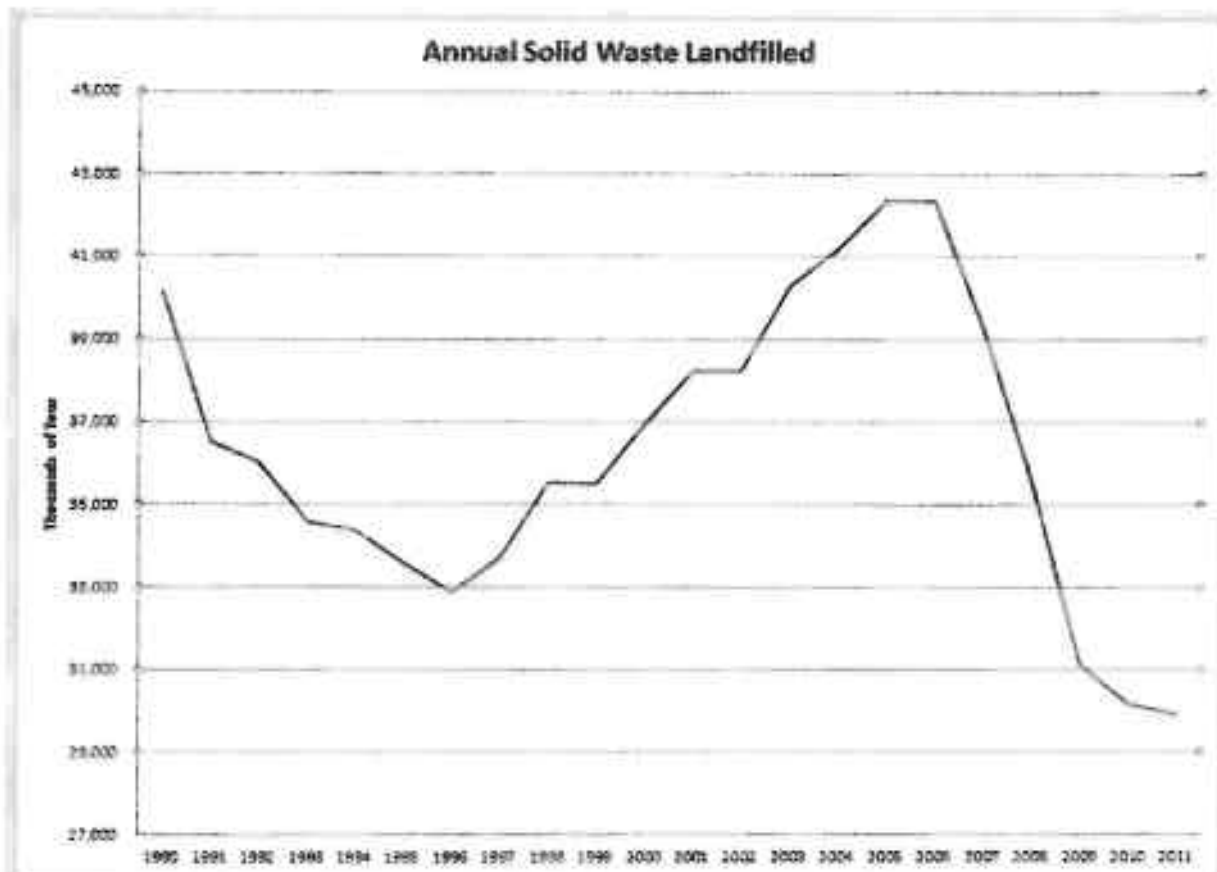
The continued budget deficit has caused the SVSWA to use all of its discretionary funds and the use of the Recology South Valley revenues for operations. These funds were meant for the development of landfill capacity. Recology South Valley refers to contractual revenues earned by the SVSWA for handling waste from outside of their service area. This waste is generated in Santa Clara County.

Adding to the recent budget deficits are the reduction in tipping fee revenues. Because of more effective recycling efforts, waste going into the landfill is declining. A tipping fee is what is charged to dump a load of waste delivered to the landfill. For the five years ended June 30, 2011, SVSWA saw a 27% decrease in landfilled waste tonnage.

Correction: The Authority has never had a budget deficit. Each fiscal year's budget has had revenue sufficient to comply with Bond Covenants and meet or exceed anticipated expenditures. The Board of Directors made the decision to use revenue from Recology South Valley for operational expenses in FY 10-11 and 11-12 instead of raising the per ton tipping fee. There is currently a fund balance of \$6,566,596 in the Supplemental Capacity reserve.

The reduction in tipping fee revenues is a universal issue for all solid waste agencies, particularly in California as shown in the table on the following page. Because of more effective recycling efforts, waste going into the landfill is declining across California as noted in the chart below. For the five years ended June 30, 2011, SVSWA saw a 27%

decrease in landfilled waste tonnage. Tipping fees have historically been the primary source of revenue for most solid waste agencies. Burying refuse to support recycling programs is not sustainable and the SVSWA is actively working to address this universal problem through a new rate structure that does not rely on landfill tipping fees to generate operating revenues. Importing outside waste to fill the landfills has been the short term band aid solution, but is an unsustainable solution for increasing revenues to fund more recycling activities and landfill operations.



Source: CalRecycle Statewide Landfill Disposal

In 2010-2011, the third largest revenue source for SVSWA was 26,379 tons of waste from Waste Managements' (WM) Madison Lane Transfer Station. Included in this total were 2614 tons of waste received from self-haulers, these are self-haul customers that choose to go to Madison Lane as opposed to Sun St. or Johnson Canyon Landfill.

The leading cause of SVSWA's budgetary problems is the result of its legacy liabilities bond debt which amount to 25% of the budget annually. The 2011-12 budget contains \$2,872,519 in legacy liabilities. Legacy liabilities are comprised of post closure maintenance for the three closed landfills (Jolon Road, Lewis Road, and Crazy Horse Canyon) and include debt service (principal and interest) on 54% of the 2002 revenue bonds. That portion of the bonds was spent on corrective action, unfunded repairs, installation of environmental control systems, and unfunded closure costs for the 3

landfills. The 2002 Revenue Bonds will not be paid in full until 2031.

In a letter dated July 13, 2012, Monterey County voted to give SVSWA a one year notice of its intent to withdraw from SVSWA. If the County follows through on this withdrawal it will remove from the control of the SVSWA all customers from the unincorporated areas of the County that are in the present geography of the SVSWA. This will add to the reduction on the volume of trash potentially flowing into Johnson Canyon. Monterey County has been concerned with the direction of SVSWA's finances and the collection and disposal of waste within its jurisdictional boundaries.

Comment: No evidence supporting a vote by the Board of Supervisors or an authorizing resolution to give notice of its intent to withdraw is found in the minutes of meetings. The Joint Powers Agreement Section 19(a) specifically requires: "After the 15-year initial period, a Party hereto may withdraw from this Agreement by a majority vote of the governing body [emphasis added] thereof giving to the other Parties one year's written notice of such intention to withdraw, so long as all revenue bonds or other forms of indebtedness issues pursuant hereto, and the interest thereon, shall have been paid or adequate provision for such payment shall have been made in accordance with the resolution (or indenture) adopted by the Authority Board pursuant to the law authorizing the issuance thereof or the approval of the debt."

On July 13, 2010, Supervisor Calcagno referred a study request to County EHB to "Evaluate options available to Monterey County related to [its] membership in the SVSWA". A consultant was commissioned by the EHB to conduct this study and the study was received by the Board of Supervisors in closed session on September 13, 2011. The SVSWA has made numerous requests to the EHB for a copy of this report that is understood to be the basis for the County's notice of withdrawal. To date, no response has been made by the County to the Authority's public records request on this issue. Monterey County has not been specific about its concerns, so the SVSWA has not been unable to fully respond to the County concerns that lead to their notice of withdrawal.

If the County was to withdraw, BONDS MUST BE PAID OFF IN FULL, including the 2002 Revenue Bonds and the Installment Purchase Agreement for Crazy Horse Landfill. Additionally it will always be responsible for its share of the post-closure maintenance, site remediation's (if required), unfunded road improvements to access the regional landfill, and site remediation for all 4 SVSWA landfills (3 transferred from the County).

County concerns over flow of waste within its boundaries are most appropriately addressed by the two County elected officials sitting on the SVSWA Board of Directors and not by the EHB. For reference, SVSWA plans for the future Materials Recovery center in Salinas would address concerns raised by the County regarding longer hauling distances to the landfill, by reducing waste volumes at the point where 80% of SVSWA waste is

created, (Salinas and North County).

Monterey County's two remaining waste facilities are Johnson Canyon landfill, Gonzales and Monterey Regional Waste Management District, Marina. SVSWA's Johnson Canyon landfill has approximately 30 years of landfill life remaining. The MRWMD's is estimated to have 150 years of landfill life remaining. The SVSWA's jurisdiction area covers a population of approximately 284,000; whereas, the MRWMD covers a population of approximately 170,000.

FINDINGS

F1. Because of the SVSWA's debt, it is regularly challenged to balance its annual budget. Raising rates to cover their operating costs have been very difficult to accomplish and will continue to be problematic as waste volumes continue to decline.

Response to Finding 1. The Board partially agrees with the finding, but it is a challenge that the SVSWA has met each year without fail.

The challenge is not due solely to the debt, but because of declining waste volumes resulting from increased recycling, as has been the case with all landfills in California. Debt is a fixed cost, not subject to market conditions and the economy as are tipping fees.

The first of the Board's three year Strategic Plan goals is to develop and implement a sustainable finance plan which includes changing the rate setting process. The concept of a sustainable rate model not based on landfill tonnage was first introduced to the Board in August 2009 and continues to be a priority subject for the Board deliberations.

F2. From its investigation of both landfills in Monterey County, SVSWA and MRWMD, the CGJ has found that both are on target towards goal of 75% waste diversion by 2020 as per AB341. The reduction of landfill tonnage and the decrease in revenues has forced SVSWA and MRWMD to look at other sources to gain lost income.

Response to Finding 2. The Board agrees with the finding.

Both agencies have sought other sources because of the desire of their respective Boards to not increase rates to its customers. The SVSWA recognizes that importing outside waste for landfilling with the purpose of replacing lost local waste disposal revenues is not sustainable and only adds to the public's long term landfill liability obligations. As a result, the SVSWA has been proactively discussing changes to the rate structure to move away from landfill tipping fee based funding.

F3. Because of Cal Recycle's reversal of the Plasco RPS certification, SVSWA is unable to proceed with its goal of waste-to-energy conversion.

Response to Finding 3. The Board disagrees with the finding.

The Authority's goal is to recover waste for its highest and best use and to utilize it as a resource, which could include conversion to energy. This is the preferred method in Europe and Asia where landfills are becoming an unacceptable method for waste management.

Cal Recycle reversed its chief counsel's opinion which stated Plasco's technology met the definition of gasification as stated in Public Resources Code. The California Energy Commission issued the Pre Certification of Eligibility for California's Renewable Portfolio Standard. Plasco has requested the project be placed in abeyance until clarification is received from the California Energy Commission.

The Governor's office has indicated willingness to support legislation which will clarify the definition in the Public Resources Code language for the benefit of all gasification technologies, and all municipalities in various stages of investing in new energy opportunities. Until rulings are made and legislation is enacted, the Authority will continue to focus on advanced waste recovery projects to reduce the amount of material that would eventually require thermal conversion to energy in the future (in lieu of landfilling).

F4. The CGJ found on several occasions SVSWA failed to notify or give proper notice to County EHB of upcoming meetings. The EHB plays an important role in SVSWA's monthly county meetings. The SVSWA's lack of notifying the County's EHB and LEA of meeting agenda prior to meeting could affect the future permit process.

Response to Finding 4. The Board disagrees with the finding.

The County EHB receives notification of Authority Board and Committee meetings in the exact same manner as every other member agency and the public. The schedule for Executive Committee and Board of Directors meetings for the calendar year is approved by the Board at the December meeting and is published on the Authority's website. Agendas are posted on the Authority's website by 5pm the Friday prior to the meeting date.

A written staff report is included in the agenda packet for every item that requires Board action. Presentations that are informational updates and require no Board approval, other than acceptance, are the only items not typically published with the agenda packet. Public comments are received on these items during the meeting, as well as any other item listed on the agenda, or not on the agenda.

The permit process is dictated by Title 27, the California Code of Regulations for landfills and transfer stations. No decision made by the SVSWA Board of Directors can circumvent those provisions. As with every other new or amended permit application or

notification, the Authority will work closely with EHB/LEA and other State regulators to ensure every document is submitted completely and correctly.

F5. The CGJ has found that Waste Management's Madison Lane Transfer Station accepts solid waste from self-haul customers. These are self-haul customers that prefer to go to this site rather than the SSTS or Johnson Canyon landfill.

Response to Finding 5. The Board agrees with the finding.

During the 2011-12 fiscal year Madison Lane accepted 1,414 tons of self-haul waste. During the same period the Sun Street Transfer Station received 8,685 tons of self-haul waste. Mid-year projections for 2012-13 indicate the Madison Lane self-haul tonnage will be further reduced to less than 1,000 tons. While Madison Lane Transfer Station tonnage has declined, the usage of the Sun Street Transfer Station has been increasing.

F6. The SVSWA's need to use the Recology South Valley revenues to balance its budget has put a strain on future funds for landfill capacity.

Response to Finding 6. The Board agrees with the finding.

Using revenue from importing waste is not sustainable. The 2103-14 budget proposal will include rate adjustments that reflect the true cost of providing local services, without that are not subsidized with revenue from imported waste. As of June 30, 2012, there is a balance in the landfill capacity expansion fund of \$6,566,596, with up to five years remaining on the Recology South Valley contract. The Johnson Canyon Landfill has 6.3 million tons of remaining permitted capacity, enough for 30 years of landfill disposal at current rates of acceptance. As previously mentioned, alternative uses, such as new technologies to reduce waste going to the landfill are under consideration.

F7. The CGJ feels that SVSWA's financial decision making policies affect the well-being of many businesses in its jurisdiction. The SVSWA is not looking out for the citizens of the Salinas Valley and northeast Monterey County.

Response to Finding 7. The Board agrees with the first finding. The Board disagrees with the second finding.

No one, resident or business welcomes a rate increase. The SVSWA increases have been minimal and at or below the cost of living indices for the region over the last four years.

The SVSWA Board has been considerate of residential and business owners by utilizing reserve funds instead of increasing rates. Please see Attachment 5, letter to Supervisor Parker concerning the rate increase proposal.

F8. The County's notice to withdraw from the SVSWA will put a financial burden on the remaining members of the SVSWA.

Response to Finding F8. The Board agrees with this finding.

All members of the JPA are currently impacted by the County's decision. The Authority has the opportunity to refinance its existing bond debt at a more favorable interest rate which could result in a \$210,000 annual savings. Bond Counsel informed the Authority Board in August 2012 that it cannot proceed with a bond refinancing until the County's notice to withdraw is acted upon or withdrawn.

If the County withdraws its tonnage which represents 20% of landfilled tonnage, other member agencies will be financially burdened. This is one of the reasons the Authority introduced a change to its rate structure for fees based on services, instead of by weight. If all customers paid an equitable rate based on services received, the amount of tonnage received from the County or elsewhere, would be irrelevant.

The County will leave the liabilities for 3 landfills with the Authority and be responsible for only about 20% of those liabilities into the future. Those landfill liabilities were 100% the County's responsibility prior to the formation of the Authority.

RECOMMENDATIONS

R1. The SVSWA should give proper notice of topics of presentation to County EHB on public meetings so that the public receives correct answers on County questions.

Response to Recommendation 1. The Authority will continue to provide Board agendas and staff reports in the manner required by law to elected officials, County EHB and all other interested parties. The Authority will endeavor to publish presentation materials not included in the agenda distribution on its website by prior to scheduled Board meetings.

R2. The CGJ recommends that the staff of both SVSWA and MRWMD continue to work on the common area of interest and benefit to address waste in Monterey County to the betterment of its citizens. It is the CGJ's recommendation that a consolidation of the two agencies should occur.

Response to Recommendation 2. The staff of both SVSWA and MRWMD will continue to work on common areas of interest and benefit to address solid waste needs in Monterey County. General Managers for both agencies will continue their twice monthly meetings to advance discussions on areas of common benefit.

The recommendation to consolidate requires further analysis. Consolidation requires

willingness by both parties and further study to determine all impacts. The SVSWA believes that finding common ground to work together is the appropriate action at this time and that merger is too large a step at this time. The SVSWA Board directed staff to initiate discussions with the District in October 2011. A letter was provided to the District's Board of Directors in November 2012 requesting a response as to whether or not there is a willingness to accept waste from within the Authority's jurisdiction and under what circumstances.

R3. The CGJ recommends shutting down the residential waste re-handling process at SSTs. The CGJ further recommends that SVSWA cease in its desire to replace the SSTs with a site on Work Street. The CGJ feels the Work Street location is not feasible for this site as it is similar to SSTs. The location has two motels, a car lot, agriculture warehouses, and offices within a 1/4 - 1/2 mile radius. Work Street is also a heavily traveled route to Hwy. 101 north and south exits.

Response to Recommendation 3. The recommendation requires further analysis.

The Board believes that the siting of a transfer station is one of its major responsibilities. The Board has considered not just the solid waste processing activities for this facility, but also the potential for economic development and jobs related to such a facility. Closure of this facility would increase greenhouse gases by requiring the franchise garbage trucks to make individual trips to the landfill, which in turn would increase rates and make collection services in a metropolitan city like Salinas inefficient.

The Work Street site is ideally suited for a transfer station as it is designated an Industrial Park area. The proposed location is between a hot mix asphalt plant and a tallow rendering plant. It is also well situated for large transfer trailers with its proximity to Highway 101 and a major truck stop at Sanborn and Work Streets.

The proposed Work Street site will focus on recovery of waste materials to avoid handling, transportation and landfilling. Traffic impacts would be thoroughly studied in the CEQA compliance process.

R4. The CGJ recommends that SVSWA cease its funding for research and analysis of any type of conversion technology.

Response to Recommendation 4. The recommendation requires further analysis.

The Board feels strongly that an alternative to landfilling is necessary for the long term environmental health of the Salinas Valley. The SVSWA is following the guidelines and industry practices to seek out better solutions to waste management challenges. The historic work of the SVSWA in looking past the old and unsustainable practice of landfilling has been commended at the State and National level and should be supported, not condemned. The US Department of Agriculture recognizes the value in the SVSWA's work and has continued to provide support for research and development of energy

recovery from municipal and agricultural waste in the Salinas Valley.

The Board's decision to move forward with research and analysis was based on recommendations from the following studies

Regional Solid Waste Facilities Environmental Impact Report (1999-2002)

Project description and Mitigation Monitoring Plan (2003)

Supplemental Capacity Task Force findings (2003-2004)

Long Valley Constraints Analysis (2003-2005)

Long Term Waste Management Plan (2006-2007)

R5. The CGJ recommends that the City of Salinas and unincorporated NE Monterey County utilize the Madison Lane Transfer Station site as a self-haul and Materials Recovery Center.

Response to Recommendation 5. The recommendation requires further analysis.

The Authority had a lease/purchase option agreement for the Madison Lane Transfer Station in 2002. It was unable to move forward with the purchase because of unresolved issues with Waste Management concerning transfer station operating costs, as well as the County's assertion that the Authority should construct the Rossi Street extension.

In 2008, staff raised the concept of revisiting the use of the Madison Lane Transfer Facility. Supervisor Calcagno, who represents this area, along with several others expressed opposition to using this facility due to the past history, potential for impacts to the adjacent Boronda Community and lack of an alternate route that did not travel through the Boronda Community. There is currently only one road in and out of the commercial area of Boronda. This facility also shares property boundaries with several residences. In the opening summary of the CGJ report they raise concerns over potential social justice issues at the Sun Street Transfer Station. The current SSTS and the proposed Work Street Site are far better suited locations for the proposed Materials Recovery Center and would have far less impacts to residential communities like Boronda.

However, the SVSWA is still evaluating the Madison Lane Transfer Site as an alternative to the Work Street site. If the County (or City of Salinas) were to construct the "Rossi Street" extension (land is currently under County jurisdiction), this action would at least allow truck traffic to access the site without traveling through the Boronda community and mitigate one of the major obstacles to using this site for SVSWA activities. The SVSWA will continue to evaluate this as an alternative site in the CEQA process underway.

R6. The CGJ recommends that SVSWA and the City of Salinas work closely with its citizens and businesses by creating an advisory committee to address issues of the recommended closures of SSTS and the utilizing of a facility already in place, Madison Lane Transfer Station.

The SVSWA and the City of Salinas will continue to work closely with its citizens and businesses by creating an advisory committee.

Response to Recommendation 6. The recommendation has not yet been implemented.

The Authority concurs that formation of a Citizens Advisory Committee would be advantageous. The membership criteria and focus would be determined by the Authority Board of Directors.

RESPONSE REQUIRED

Monterey County Board of Supervisors

Findings: F5.,F7.,F8. Recommendations:

R1., R2.,R5.

City of Salinas City Council

Findings: F5.

Recommendations: R3.,R5.,R6.

Salinas Valley Solid Waste Authority Board of Directors

Findings: F1.,F2.,F3.,F4.,F5.,F6.,F7.,F8. Recommendations:

R1.,R2.,R3.,R4.,R5.,R6.

Monterey Regional Waste Management Board of Directors

Findings: F2.

Recommendations: R2.

BIBLIOGRAPHY

Salinas Valley Solid Waste Authority Budget 2012-2013

Salinas Sun St. Transfer Station Annual Report-March 15, 2012

Monterey Regional Waste Management District Annual Report Ending June 2010-2011

Joint Powers Agreement No. A-07261

Minutes of Board of Directors SVSWA reviewed 2002-2012

Newspaper Articles-Salinas Californian, Monterey Herald, Monterey County Weekly

WEB SITES

www.svswa.org

www.svswa.org/johnson_canyon_landfill.cfm

www.mrwind.org

www.mrwind.org/fast_chance-mercantile.htm

www.comonterey.ca.us/health/environmentalhealth

www.covantaenergy.com

www.zerowasteenergy.com

www.plascoenergygroup.com

www.recoveredenergy.com/secaplant.html

APPENDIX A

SVSWA Revenue Bonds, Series 2002 Debt Service Schedule

APPENDIX B

SVSWA Service Area

APPENDIX C

Jolon Road Tons Landfilled by Origin

APPENDIX D

SVSWA Service Area Waste Delivery Tons Landfilled

APPENDIX E

SVSWA Service Area Landfilled Tonnage Waste Origin

APPENDIX A

SALINAS VALLEY SOLID WASTE AUTHORITY Revenue Bonds, Series 2002 \$39,845,000 Issued May 2, 2002 Debt Service Schedule

Date	Principal	Interest	Total	Fiscal Year Ended	Fiscal Year Total
08/01/2011	\$ 940,000.00	\$ 917,264.38	\$ 1,857,264.38		
02/01/2012		897,289.38	897,289.38	06/30/2012	\$ 2,754,553.75
08/01/2012	985,000	897,289.38	1,882,289.38		
02/01/2013		872,664.38	872,664.38	06/30/2013	2,754,953.75
08/01/2013	1,035,000	872,664.38	1,907,664.38		
02/01/2014		848,859.38	848,859.38	06/30/2014	2,756,523.75
08/01/2014	1,085,000	848,859.38	1,933,859.38		
02/01/2015		818,343.75	818,343.75	06/30/2015	2,752,203.13
08/01/2015	1,150,000	818,343.75	1,968,343.75		
02/01/2016		786,000.00	786,000.00	06/30/2016	2,754,343.75
08/01/2016	1,215,000	786,000.00	2,001,000.00		
02/01/2017		751,828.13	751,828.13	06/30/2017	2,752,828.13
08/01/2017	1,285,000	751,828.13	2,036,828.13		
02/01/2018		715,687.50	715,687.50	06/30/2018	2,752,515.63
08/01/2018	1,360,000	715,687.50	2,075,687.50		
02/01/2019		677,437.50	677,437.50	06/30/2019	2,753,125.00
08/01/2019	1,435,000	677,437.50	2,112,437.50		
02/01/2020		640,665.63	640,665.63	06/30/2020	2,753,103.13
08/01/2020	1,510,000	640,665.63	2,150,665.63		
02/01/2021		601,971.88	601,971.88	06/30/2021	2,752,637.50
08/01/2021	1,590,000	601,971.88	2,191,971.88		
02/01/2022		561,228.13	561,228.13	06/30/2022	2,753,200.00
08/01/2022	1,675,000	561,228.13	2,236,228.13		
02/01/2023		518,306.25	518,306.25	06/30/2023	2,754,634.38
08/01/2023	1,765,000	518,306.25	2,283,306.25		
02/01/2024		471,975.00	471,975.00	06/30/2024	2,755,281.25
08/01/2024	1,860,000	471,975.00	2,331,975.00		
02/01/2025		423,150.00	423,150.00	06/30/2025	2,755,125.00
08/01/2025	1,955,000	423,150.00	2,378,150.00		
02/01/2026		371,831.25	371,831.25	06/30/2026	2,749,981.25
08/01/2026	2,060,000	371,831.25	2,431,831.25		
02/01/2027		317,756.25	317,756.25	06/30/2027	2,749,587.50
08/01/2027	2,175,000	317,756.25	2,492,756.25		
02/01/2028		260,662.50	260,662.50	06/30/2028	2,753,418.75
08/01/2028	2,290,000	260,662.50	2,550,662.50		
02/01/2029		200,550.00	200,550.00	06/30/2029	2,751,212.50
08/01/2029	2,415,000	200,550.00	2,615,550.00		
02/01/2030		137,156.25	137,156.25	06/30/2030	2,752,706.25
08/01/2030	2,545,000	137,156.25	2,682,156.25		
02/01/2031		70,350.00	70,350.00	06/30/2031	2,752,506.25
08/01/2031	2,680,000.00	70,350.00	2,750,350.00		
				06/30/2032	2,750,350.00
Totals	\$ 35,010,000.00	\$ 22,804,690.63	\$ 57,814,690.63		<u>\$ 57,814,690.63</u>

Authority Service Area



Salinas Valley Solid Waste Authority

128 Sun Street, Suite 101

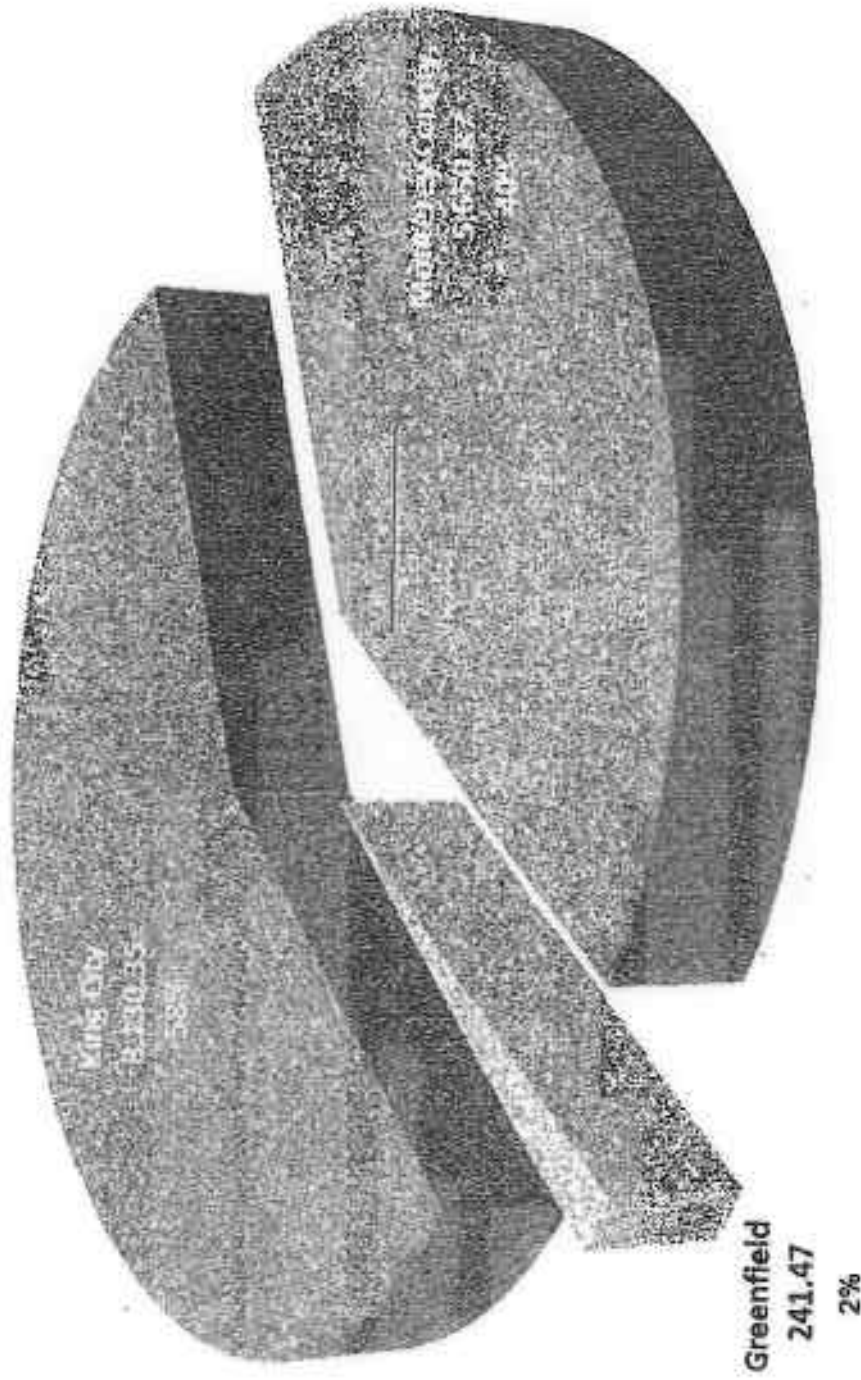


Salinas, CA 93901
(831) 775-3000

www.svswa.org

Jolon Road Tons Lan dfilled by Origin

-14,023 tons



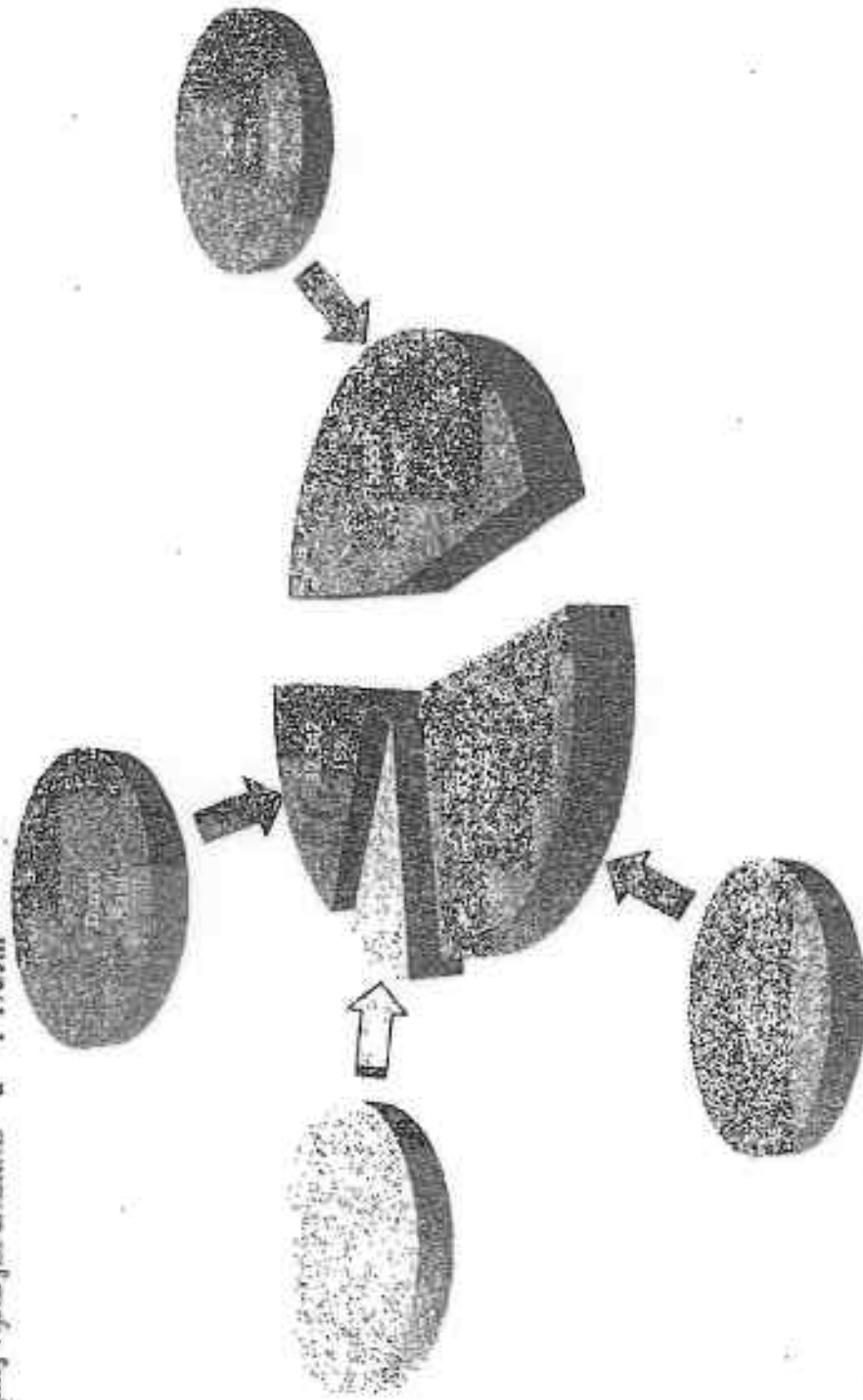
APPENDIX C



Authority Senlce Area Waste Delivery

167,033 Tons L.a dfilled

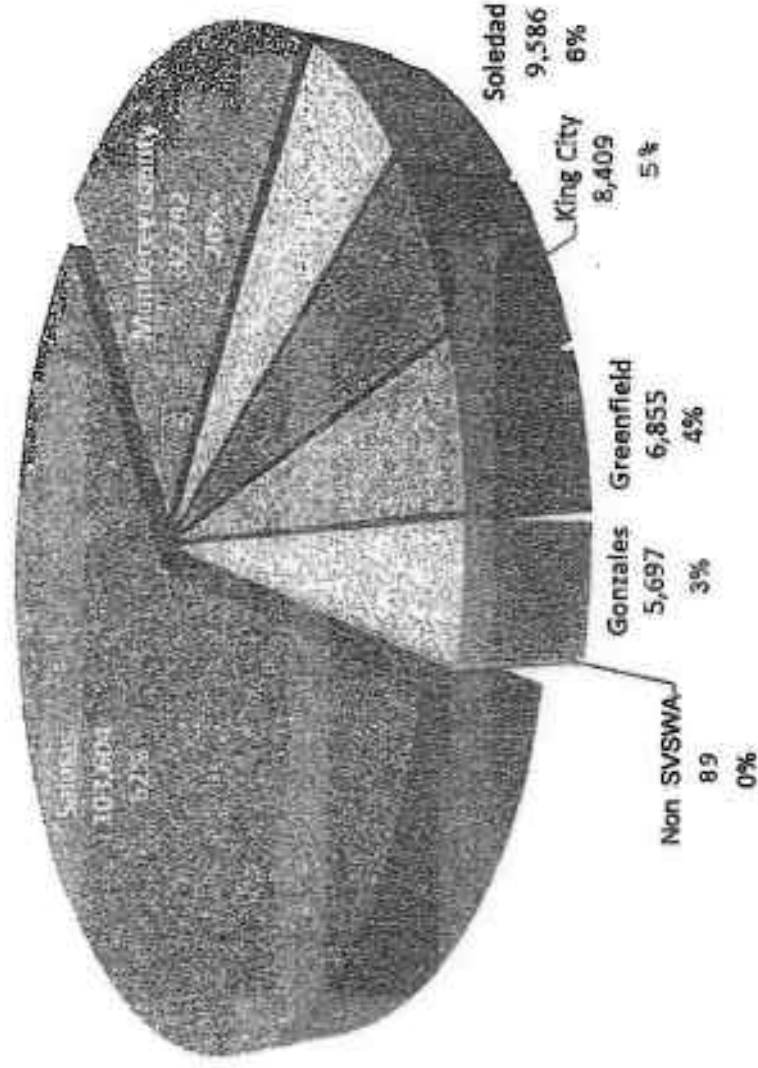
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APPENDIX D



Authority Service Area Landfilled Tonnage by Origin - 1 to 7,033 Tons



Index of Salinas Valley Solid Waste Authority Attachments

<u>Attachment</u>	<u>Item</u>
Attachment 1:	SUBA 7-21-07 Meeting Agenda and Minutes
Attachment 2:	Excerpt from County's 1992 General Plan
Attachment 3a:	An Economic Impact Analysis of Salinas Valley Solid Waste Authority
Attachment 3b:	An Economic Impact Analysis of Constructing and Operating an Autoclave
Attachment 4a:	Excerpt from Professional Services Agreement Regarding County Withdrawal from Joint Powers Authority
Attachment 4b:	Email correspondence Concerning Loss of Jobs in a Merger Between SVSWA and the MRWMD
Attachment 5:	Letter to Supervisor Jane Parker, April 18, 2012

Attachment 1

Salinas United Business Association

Board of Directors Meeting Minutes/Notes

February 21, 2007 @ 8:00 a.m.
Firehouse Recreation Center

Meeting called to order: Dave Brown, President, called the meeting to order at 8:00 a.m.

1. Roll call read by Deloris Scaife-Higgins: (Quorum at 8:15)

Present: David Brown, Larry Dykes, Deloris Scaife-Higgins, Alicia Delena, Keven Pederson, Teresa Gomez, Sal Jimenez, Tony Barrera, Maria Orozco

Absent: Juan Juarez, Don Green, Antonio Campos, Moises Escoto, Sergio Sanchez, Gloria De La Rosa

Staff: Victor Mehia

2. Public Comment

Tony Barrera wants SUBA to be part of opening the restrooms at Closter Park.

3. Consent Items

- a. Approval of Minutes for 01/17/2007 M/S/P
- b. Approval of January 2007 Financial Report M/S/P (SJ/LD)

4. Reports/Updates

- a. Package Distributions
- b. Received Grant with ALBA and Pajaro CDC from the National Rural Funders Collaborative (VM)
- c. New Non-Profit Organization was Formed – Business & Community Partnership (VM)
- d. Need to Fill Board of Directors (VM)
- e. Need to Seek Amendment to Zoning in Industrial/Heavy Industrial Areas (DB)
- f. Need New Code Enforcement Officers (DB)
- g. BID Expansion to Include Williams Road (DB)

5. Items on Next Month's Agenda

- a. Need to Monitor BFI and its Assessment/Audit of Businesses in east Salinas (VM)
- b. Need More Information on the Plan to Expand Alco Water Services

6. Discussion

- a. Q&A: Mobile Vendors in the City of Salinas

7. Presentation

- a. Salinas Valley Solid Waste Authority: Expansion of Sun Street Transfer Station (Jose Gamboa)

8. Adjourn

Recorder: Deloris Scaife-Higgins
Transcriber: Victor Mehia



Date: 7/15/2011

To: José Martínez-Saldaña, Executive Director of SUBA

From: Jose Gamboa, Assistant General Manager

RE: Status of the Sun Street Transfer Station Relocation

At yesterday's Policy and Built Governmental Relations committee I provided a report regarding the relocation of the Sun Street Transfer Station. The report included the following: 1) Work Street property owned by the City of Salinas; 2) The interest to create a collaborative effort between the current tenant –Granite Construction, located on the property, the City of Salinas and the Authority; 3) the introduction of a conversion technology (autoclave) project to be included with the transfer station engineering design at Work Street and; 4) The national award earned by the Sun Street Transfer Station due to its operational performance.

The Authority is exploring three possible sites for relocating the Sun Street Transfer Station and due to some unique existing conditions at Work Street at this time this is the most attractive site for relocating: the nearest sensitive receptors are on the opposite side of the freeway, the freeway itself creates noise due to heavy traffic, the tallow company located near the site generates odors, and Granite's activities release dust and truck traffic. And therefore, the transfer station will be environmentally "insulated" by all of the above described activities thus making the CEQA process a bit easier.

The City would like to retain its existing tenant in order to continue earning the proceeds from the lease agreement. Granite would avoid the expense to relocate and therefore save a substantial expense. However, Granite will need to reduce its operational site in order to free up sufficient surface area to accommodate the transfer station and the autoclave. The estimated available surface area is being reviewed by an engineering firm to determine if the transfer station and the autoclave can "fit".

The autoclave project is the result of research work conducted during 2008-2011 by the Authority, USDA and a start-up company known as CR3, during 2009. The research proved the feasibility to create cellulose from municipal solid waste with applications in the paper industry. A new company has taken over the CR3 project. CEQA has been approved by our Board.

Lastly, the Authority submitted an award application to the Solid Waste Association of North America under Transfer Station category and recently the Authority was notified that it earned a national award because Sun Street's operating performance and safety record.

Thank you,

Jose Gamboa
Assistant General Manager

Another option has emerged: to share the City's property at Work street with Granite. This recent idea from the Redevelopment Agency has merits: Granite has activities requiring heavy truck traffic, and it generates dust. The nearest sensitive receptor is behind freeway 101 therefore no noise issues. Therefore easier for a transfer station to get approval.

Also, the City of Salinas will continue to generate revenue from the lease, and Granite will not need to spend about \$2 million dollars to disassemble equipment, and relocate. In addition, the Authority could potentially move a portion of its operation from Sun Street to a section of the Granite site prior to the construction of the final transfer/autoclave project and reduce its operations at Sun Street.

As a result, the Authority has asked URS Engineering to generate another site plan once the property boundaries have been confirmed by the City of Salinas –a process likely to take one and a half months.

Thank you.

Date: June 9, 2011

To: Rose Dusquesnay, SUBA

From: Jose Gamboa, Salinas Valley Solid Waste Authority

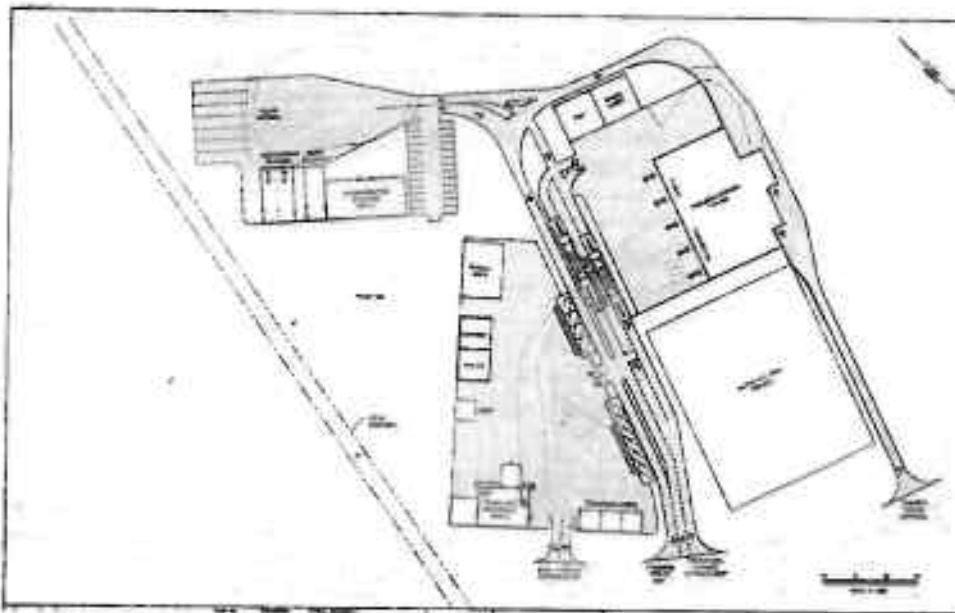
Subject: Update of Transfer Station Status

Currently the Salinas Valley Solid Waste Authority is exploring three possible sites as location alternatives to the Sun Street Transfer Station: Madison Lane transfer station owned by Waste Management, Dole property on Sanborn, and the City owned property at Work Street -currently the front section of the property is occupied by Granite.

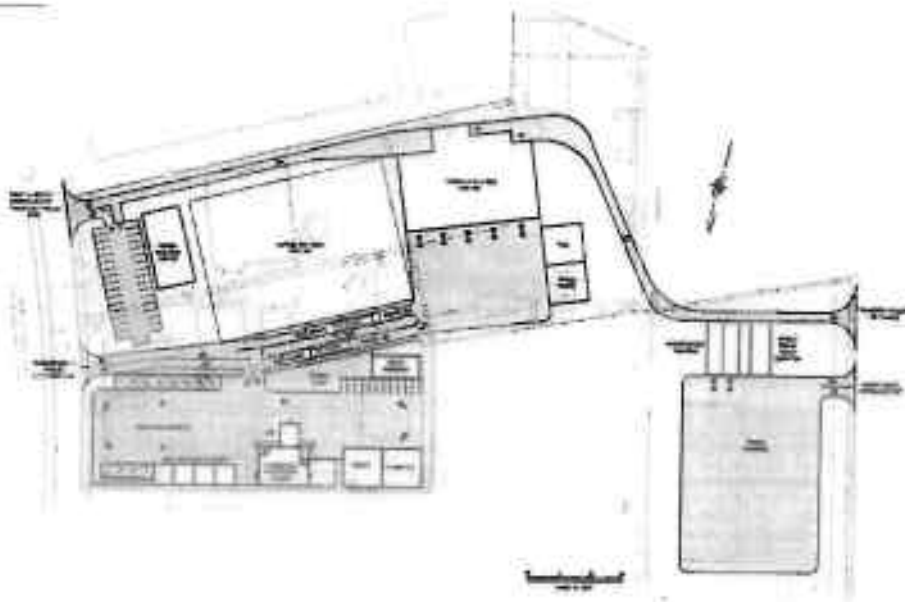
A requirement for each of the three sites is that it must accomodate the transfer station plus an autoclave processing unit that will produce cellulose from municipal waste containing high organics content. The Authority has been conducting experimental testing at Crazy Horse landfill in collaboration with US Department of Agriculture and now the Authority and a private company are ready to construct a commercial autoclave project in Salinas -project that will create year round jobs estimated at \$50,000 a year.

The Authority has hired URS Engineering to create a site plan for each of the sites:

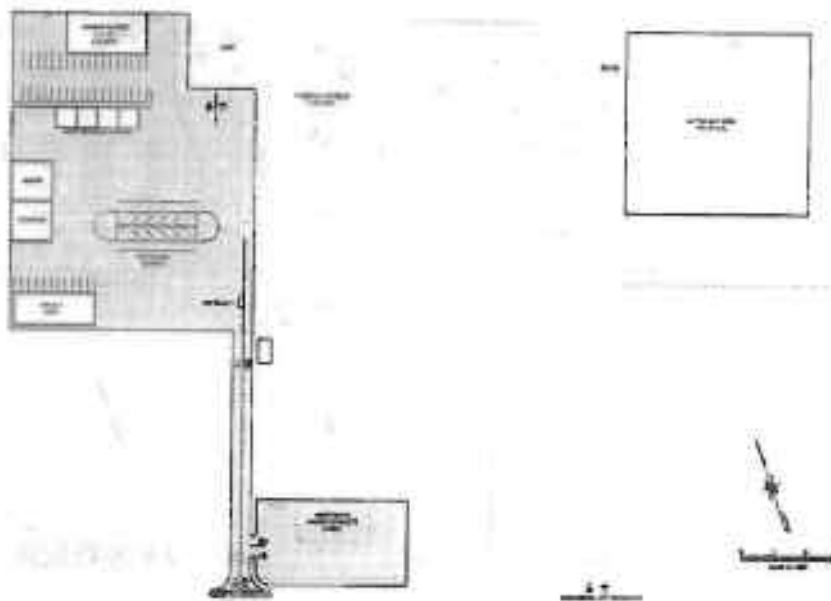
Work Street



Dole Site



Madison Lane



Currently our best option seems to be Work Street because the price of the property at Dole's has gone up quite significantly and for the Authority to move to the Madison Lane Transfer Station (originally designed for 2000 tons/day but operating at 300 tons/day) will need to co-own a portion of the property or a 50 year lease in order to ensure longevity. The Authority met with Waste Management officials in early March of 2011 to discuss Madison Lane but we have not recieved a response.



**COUNTY OF MONTEREY
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH BUREAU
SOLID WASTE LOCAL ENFORCEMENT AGENCY (LEA)**

NOTICE OF PUBLIC INFORMATIONAL MEETING

DATE OF MEETING: September 6, 2012

TIME OF MEETING: 6 P.M. to 7:30 P.M.
(if no attendees from the public, meeting will adjourn at 6:30 P.M.)

LOCATION OF MEETING: Salinas Valley Solid Waste Authority (SVSWA)
128 Sun Street, Suite 101
Salinas, CA 93901

APPLICANT: SVSWA

FACILITY NAME: Sun Street Transfer Station

FACILITY LOCATION: 139 Sun Street
Salinas, CA 93901

**SOLID WASTE FACILITY
PERMIT NUMBER:** 27-AA-0110

FACILITY CONTACT: Patrick Mathews, General Manager
SVSWA
128 Sun Street, Suite 101
Salinas, CA 93901
(831) 775-3000

DATE OF SUBMITTAL: July 18, 2012

DATE OF ACCEPTANCE: August 10, 2012

DATE OF NOTICE: August 24, 2012

LEA CONTACT: Maria E. Ferdin, Senior Environmental Health Specialist
1270 Natividad Road
Salinas, CA 93906
(831) 755-8915

As a property owner, tenant or person with vested interest in the project vicinity, please be advised that the County of Monterey, Solid Waste Local Enforcement Agency (LEA) has accepted a Full Solid Waste Facility Permit (SWFP) application package from the Salinas Valley Solid Waste Authority for the Facility located at 139 Sun Street, Salinas, CA. The LEA is certified by CalRecycle to enforce state laws and regulations at solid waste sites within the County of Monterey, including all disposal facilities.

Purpose of the Meeting

This Public Information Meeting is for any interested parties to learn more about the project and to provide comments to the LEA regarding the proposed permit action. The LEA will use information discussed in this meeting, as well as its own review, to create a draft permit. Before the permit becomes final, CalRecycle, a state agency, must review and concur with the permit proposed by the LEA. As part of the concurrence process, an additional meeting will be held in Sacramento, CA, within 60 days of receiving a draft permit from the LEA. If you wish to be notified of the CalRecycle meeting, please contact the LEA.

Description of Project

On July 18, 2012, the LEA received a Full Solid Waste Facility Permit application package from the SVSWA, regarding the Facility located at 139 Sun Street, Salinas, CA. The application package was submitted in response to a Five Year Review of the site's SWFP conducted by the LEA in September of 2010. Based on this review, the LEA has found that the main updates include a change in operational hours to 7 am to 5 pm M-F and 8 am to 4 pm on Saturdays, combining currently permitted 300 tons per day of refuse and 100 tons per day of recycling into 400 tons of mixed waste and recycling, use Griffin St. for ingress and egress by SVSWA trucks, install a 4,000 gallon biofuel tank (use of Griffin and installation of the bio-fuel tank has been approved by the City of Salinas) and provide an area for commercial self-haul to unload refuse and recycling on the western portion of the property,

Findings

The LEA has determined that:

- The requested amendments will require a Solid Waste Facility Permit revision per 27 CCR 21620.
- The application is accepted, meets the requirements of the California Code of Regulations, Title 27, Section 21570, and is approved.
- Within 60 days of accepting the application as complete and correct, a package will be submitted to CalRecycle by the LEA that will include the permit application package submitted by the operator as well as a draft permit.

Options for Submitting Written Comments

The Monterey County LEA will be accepting written comments on this acceptance action until September 21, 2012. Please address all correspondences to:

Monterey County Health Department
Environmental Health Bureau
Solid Waste Management Services
Attn: Maria E. Ferdin
1270 Natividad Road
Salinas, CA 93906-3198

Where to Get Additional Information

A copy of the application package is available for public review during normal business hours Monday-Friday, 8am-5pm or by appointment in the LEA office located at 1270 Natividad Road, Salinas, CA 93906. For questions or comments, please call 831-755-8915.

Appeals Process Information

Pursuant to Public Resources Code §44307, the decision of the LEA may be challenged through a formal hearing process. To initiate the appeals process, please contact Maria E. Ferdin at 831-755-8915 for an LEA "Request for Hearing" form. This form may also be obtained online at:

<http://www.calrecycle.ca.gov/LEA/Forms/#Enforce>



**CONDADO DE MONTEREY
DEPARTAMENTO DE SALUD
DIVISIÓN DE SALUD MEDIOAMBIENTAL AGENDCIA DE APLICACIÓN LOCAL
DE DESECHOS SÓLIDOS (AALDS)**

ANUNCIO DE JUNTA INFORMATICA PARA EL PÚBLICO

FECHA DEL LA JUNTA:	6 de Septiembre de 2012
HORARIO DE LA JUNTA:	6 PM to 7:30PM (La junta será concluida a las 6:30PM si no hay asistencia del publico)
LOCAL DE LA JUNAT:	LAS OFICINAS DE SALINAS VALLEY SOLID WASTE AUTHORITY 128 SUN STREET, SUITE 101 SALINAS, CA 93901
CANDIDATO:	SALINAS VALLEY SOLID WASTE AUTHORITY
NOMBRE DEL PROYECTO	ESTACIÓN DE TRANSFERENCIA SUN STREET
LOCALIZACIÓN DEL PROYECTO:	139 SUN STREET SALINAS, CA 93901
NUMERO DEL PERMISO DELA DE LA INSTALACIÓN DE DESCEHOS SÓLIDOS:	27-AA-0110
CONTACTO DE LA INSTALACIÓN:	PATRICK MATHEWS, GERENTE GENERAL SALINAS VALLEY SOLID WASTE AUTHORITY P.O BOX 2159 SALINAS, CA 93902 (831) 775-3000
FECHA SOMETIDO:	18 DE JULIO DE 2012
FECHA ACEPTADO:	10 DE SEPTIEMBRE DE 2012
FECHA DE ANUNCIO:	24 DE AGOSTO DE 2012
CONTACTO DE AALDS	Maria E. Ferdin, Especialista Principal de Salud del Medioambiente 1270 Natividad Road Salinas, CA 93906 (831) 755-8909

Este anuncio es para informar a los propietarios u otras personas con interés en esta comunidad que la Agencia de Aplicación Local de Desechos Sólidos (AALDS) ha aceptado una paquete de aplicación para un permiso entero de desechos sólidos de Salinas Valley Solid Waste Authority (SVSWA) para la estación de transferencia localizada en 139 Sun Street en Salinas, CA. Dentro de Monterey, la agencia AALDS está certificada por CalRecycle para asegurarse que sitios de desechos sólidos cumplan con leyes y regulaciones del Estado de California.

Propósito de la Junta

Esta junta pública es para cualquier miembro de la comunidad que tiene interés en aprender más sobre el proyecto y para proporcionar comentario al AALDS sobre el proyecto propuesto. AALDS usará información discutida en esta junta en conjunto con su propia revisión para producir un permiso. Antes que el permiso es finalizado, CalRecycle, la agencia del estado tiene que revisar y conformar con el permiso propuesto por AALDS. Como parte del proceso para conformar, una junta adicional será organizada en Sacramento dentro de 60 días después de recibir el permiso propuesto del AALDS. Si gustaría ser notificado de esta junta, por favor póngase en contacto con AALDS.

Descripción del Proyecto

El 18 de julio de 2012, AALDS recibió un paquete de aplicación para un permiso máximo de desechos sólidos de SVSWA, con respecto a la instalación localizada en 139 Sun Street, Salinas, CA. El paquete de aplicación fue entregado en respuesta al Repaso de Cinco Años del permiso llevado a cabo por AALDS en Septiembre 2010. Basado en el repaso, el AALDS encontró que los principales actualizados son el cambio de operación al 7am a 5pm. L-V y 8am a 4pm el sábado, combinando 300 toneladas de desechos por día y 100 toneladas de reciclaje a 400 toneladas de desechos mezclados y reciclaje, usar Griffin St para ingreso y egreso por los camiones de SVSWA, instalar un tanque de 4,000 galones de biocombustibles (el uso de la calle Griffin y la instalación de el tanque ha sido aprobado por la ciudad de Salinas) y proveer un área para acarrear residuos y reciclaje comercial a una porción del oeste de la propiedad.

Resultados del AALDS

El AALDS ha determinado que:

- Las modificaciones solicitadas requieren revisión del permiso de instalación de desechos sólidos por Código 27 CCR 21620.
- La solicitud entregada esta completa y correcta y conforme al Código 27 CCR 21570 y es aprobada.
- Dentro de 60 días de recibir la aplicación como completa y correcta, un paquete será sometido a CalRecycle por el AALDS que incluye el paquete de aplicación para el permiso sometido por el operador y el permiso propuesto.

Opciones para someter Comentario Escrito

El Condado de Monterey AALDS estará aceptando comentarios escritos sobre la acción hasta 21 de septiembre de 2012. Por favor dirija su correspondencia a:

Monterey County Health Department
Environmental Health Bureau
Solid Waste Management Service
Atención: Maria E. Ferdin
1270 Natividad Road
Salinas, CA 93906-3198

Dónde Encontrar Información Adicional

Copias del paquete de la solicitud son disponible para revisión publica durante el horario de oficina, Lunes-Viernes, 8am-5pm o por cita con la oficina del AALDS en 1270 Natividad Road, Salinas, CA 93906. Si tiene preguntas o comentario lláme al 831-755-4579.

Información de proceso de Súplicas

Conforme al Código de Recursos Públicos § 44307, la decisión del AALDS puede ser desafiada con un proceso de audiencia formal. Para iniciar el proceso de súplicas, por favor lláme a Maria E. Ferdin al 831-755-4579 y pida una copia del formulario "Pedido de una audiencia." Este formulario también puede ser obtenido sobre el Internet en

<http://www.calrecycle.ca.gov/LEA/Forms/#Enforce>

1	CLOY MC PHERSON CODIGA TRS	936 E LAKE AVE	WATSONVILLE CA 95076
2	PO BOX 2159	SALINAS CA 93902	
3	PO BOX 2159	SALINAS CA 93901	
4	24600 PASEO PRIVADO	SALINAS CA 93908	
5	PO BOX 624	SALINAS CA 93902-0624	
6	129 DOVER ST	LOS GATOS CA 95032	
7	CROPDITA DEPT-DIMON PLC RR CO	1700 FARNAM ST FL 10	OMAHA NE 68102-2002
8	PO BOX 624	SALINAS CA 93902	
9	PO BOX 624	SALINAS CA 93902	
10	1249 VIA PARAISO	SALINAS CA 93901-3850	
11	328 E MARKET ST	SALINAS CA 93905	
12	%VICTOR J ROSSI	24660 VEREDA CT	SALINAS CA 93905
13	18206 BERTA CANYON RD	SALINAS CA 93907	
14	PO BOX 811	SALINAS CA 93902	
15	SHARON L MULTANEN TRS	109 FLAGG HILL DR	MONTEREY CA 93940- 6316
16	1176 LOYOLA DRIVE	SALINAS CA 93901-1510	
17	212 MERCED ST	SALINAS CA 93901-3708	
18	328 E MARKET ST	SALINAS CA 93905	
19	PO BOX 9013	SALINAS CA 93915	
20	26037 TORO RD	SALINAS CA 93908-8919	
21	153 GRIFFIN ST	SALINAS CA 93901	
22	347 HEDGE RD	MENLO PARK CA 94025-1713	
23	211 IVY ST	SALINAS CA 93901-3704	
24	26000 BUCKS RUN	SALINAS CA 93908-9371	
25	1908 GLENDORA WAY	SALINAS CA 93906	
26	340 LOS LAURELES GRADE RD	CARMEL VALLEY CA 93924- 9426	
27	145 GRIFFIN ST	SALINAS CA 93901-3736	
28	340 LOS LAURELES GRADE RD	CARMEL VALLEY CA 93924- 9426	
29	1122 MONTECITO CIR	SALINAS CA 93901-1033	
30	242 GRIFFIN ST	SALINAS CA 93901-3720	
31	1122 MONTECITO CIR	SALINAS CA 93901-1033	
32	922 SAINT ANDREW COURT	SALINAS CA 93901	
33	4037 SEVEN GABLES ST	FORTH WORTH TX 76133	
34	529 ARCADIA ST	SALINAS CA 93906	

CODIGA WILLIAM JOSEPH &
SALINAS VALLEY SOLID WASTE AUTHORITY
SALINAS VALLEY SOLID WASTE AUTHORITY
ROSSI JOSEPH V & DIANE H TRS
GLAD INVESTMENTS COMPANY LP
NEXIS PARTNERS LLC
SOUTHERN PACIFIC TRANSPORTATION CO
GOLDMAN WARREN D TR ET AL
GOLDMAN HARVEY TR ET AL
RAUCH GEORGE E
YASIN FAYK K & SAHAR
MDV FAMILY LIMITED PARTNERSHIP
MORALES JUAN FONSECA & JOSEFINA V
ADAMS BARBARA MARIE TR ET AL
MULTANEN RICHARD H &
PATANIA GIUSEPPE & PAOLA FRANCESCA CO-TRS
ROSSI EMILIO & ROSA TRS
YASIN FAYK K & SAHAR
VIRGEN CESAR & ROSALINA DURAN
COHON MELVIN L TR ET AL
RAMIREZ ILIANA
LOUIE WO SHUN & NORA MEI YEE
CHACON PAUL P JR & CLARA E
CAVA DICK W & BETTY TRS
GORGORIO RAMIREZ RECTOR & YODANNA Q GUARDADO
APPLING FAMILY TRUST TR ET AL
WEST LAUREL CHURCH OF CHRIST
APPLING LLOYD E JR ET AL
MCKINSEY JOANN GATTIS TR ET AL
JRW INVESTMENTS
MCKINSEY JOANN GATTIS TR ET AL
ROSSI FRANK
ALBARRAN ADOLFO PEREZ & MICHAELA G
FONSECA VERONICA & JOSE

1	3051071000	OCCUPANT		
2	3051087000	OCCUPANT		
3	3051088000	OCCUPANT		
4	3051074000	OCCUPANT	RIANDA ST	SALINAS CA
5	3051039000	OCCUPANT	148 GRIFFIN ST	SALINAS CA
6	3051077000	OCCUPANT		
7	3051072000	OCCUPANT		
8	3051097000	OCCUPANT	302 COMMISSION ST	SALINAS CA
9	3051038000	OCCUPANT	124 GRIFFIN ST	SALINAS CA
10	3052021000	OCCUPANT	382 E MARKET ST	SALINAS CA
11	3051004000	OCCUPANT		CA
12	3051064000	OCCUPANT	329 RIANDA ST	SALINAS CA
13	3052015000	OCCUPANT	203 GRIFFIN ST	SALINAS CA
14	3051020000	OCCUPANT	242 GRIFFIN ST	SALINAS CA
15	3051076000	OCCUPANT	102 SUN ST	SALINAS CA
16	3051075000	OCCUPANT		
17	3052004000	OCCUPANT	212 MERCED ST	SALINAS CA
18	3051003000	OCCUPANT		CA
19	3051011000	OCCUPANT	323 RIANDA ST	SALINAS CA
20	3052018000	OCCUPANT	156 GRIFFIN ST	SALINAS CA
21	3052022000	OCCUPANT	153 GRIFFIN ST	SALINAS CA
22	3052005000	OCCUPANT	214 MERCED ST	SALINAS CA
23	3052020000	OCCUPANT	211 IVY ST	SALINAS CA
24	3051023000	OCCUPANT	343 RIANDA ST	SALINAS CA
25	3051002000	OCCUPANT	135 GRIFFIN ST	SALINAS CA
26	3052023000	OCCUPANT	372 E MARKET ST	SALINAS CA
27	3052019000	OCCUPANT	137 GRIFFIN ST	SALINAS CA
28	3052024000	OCCUPANT	374 E MARKET ST	SALINAS CA
29	3052012000	OCCUPANT	235 GRIFFIN ST	SALINAS CA
30	3052014000	OCCUPANT	221 GRIFFIN ST	SALINAS CA
31	3052013000	OCCUPANT	231 GRIFFIN ST	SALINAS CA
32	3052007000	OCCUPANT	228 MERCED ST	SALINAS CA
33	3052006000	OCCUPANT	224 MERCED ST	SALINAS CA
34	3052008000	OCCUPANT	230 MERCED ST	SALINAS CA

COOIGA WILLIAM JOSEPH &
SALINAS VALLEY SOLID WASTE AUTHORITY
SALINAS VALLEY SOLID WASTE AUTHORITY
CAMPOS HECTOR G & GUADALUPE S
ROSSI JOSEPH V & DIANE H TRS
SAKASEGAWA HARUKO TR ET AL
GLAD INVESTMENTS COMPANY LP
COMMISSION STREET PARTNERS
NEXIS PARTNERS LLC
CALIFORNIA WATER SERVICE CO
SELBY PETROLEUM INC
SOUTHERN PACIFIC TRANSPORTATION CO
GOLDMAN WARREN D TR ET AL
UNITED INVESTMENTS COMPANY
SAKASEGAWA KIYOSHI J
MULTANEN RICHARD H &
PATANIA GIUSEPPE & PAOLA FRANCESCA CO-TRS
COMMISSION STREET PARTNERS
ORNELAS JACINTO & MARTIN GUTIERREZ
SOUTHERN PACIFIC TRANSPORTATION CO
ANDREOTTI NANCY S &
CAHOON ADDISON B &

1				
2	CLAY MC PHERSON CODIGN TRS	936 E LAKE AVE	WATSONVILLE CA 95076	
3	PO BOX 2159	SALINAS CA 93902		
4	PO BOX 2159	SALINAS CA 93901		
5	324 HAMPTON	SALINAS CA 93905		
6	24800 PASSEO PRIVADO	SALINAS CA 93908		
7	C/O PINI REALTY	263 LINCOLN AVE	SALINAS CA 93901	
8	PO BOX 624	SALINAS CA 93902-0824		
9	PO BOX 3611	SALINAS CA 93912-3611		
10	129 DOVER ST	LOS GATOS CA 95032		
11	PR 1-31	1720 NORTH FIRST STREET	4598	
12	DBA SELBY PETROLEUM INC C/O PROP TX DEPT-OMION	188-A FRANK WEST CIRCLE	STOCKTON CA 95206	
13	PCFC RR CO	1700 FARNAM ST FL 10	OMAHA NE 68102-2002	
14	PO BOX 624	SALINAS CA 93902		
15	19201 HARLEIGH DR	SARATOGA CA 95070-5145		
16	612 BAUTISTA DR	SALINAS CA 93901		
17	SHARON L MULTANEN TRS	109 FLAGG HILL DR	MONTREY CA 93940- 6318	
18	1176 LOYOLA DRIVE	SALINAS CA 93901-1510		
19	PO BOX 3611	SALINAS CA 93912-3611		
20	24640 AVENIDA PRINCIPAL C/O PROP TX DEPT-OMION	SALINAS CA 93908-9308		
21	PCFC RR CO	1700 FARNAM ST FL 10	OMAHA NE 68102-2002	
22	ADDISON B CARDOON CO- TRS	7392 ACORN GLEN LOOP	ROSEVILLE CA 95747 ROSEVILLE CA 95747- 6159	
23	ESTATE OF SUE C ADDISON	7392 ACORN GLEN LOOP		

1	GOVT LAND	OCCUPANT		
2	3051071000	OCCUPANT		
3	3051087000	OCCUPANT		
4	3051086000	OCCUPANT		
5	3051084000	OCCUPANT		
6	3051074000	OCCUPANT	RIANDA ST	SALINAS CA
7	2211015000	OCCUPANT	245 FRONT ST	SALINAS CA
8	3051038000	OCCUPANT	148 GRIFFIN ST	SALINAS CA
9	3051081000	OCCUPANT		
10	3051077000	OCCUPANT		
11	3051063000	OCCUPANT	253 COMMISSION ST	SALINAS CA
12	2202013000	OCCUPANT	220 COMMISSION ST	SALINAS CA
13	3051072000	OCCUPANT		
14	3051037000	OCCUPANT	302 COMMISSION ST	SALINAS CA
15	3051062000	OCCUPANT	236 COMMISSION ST	SALINAS CA
16	2211018000	OCCUPANT		
17	3051076000	OCCUPANT	102 SUN ST	SALINAS CA
18	3051075000	OCCUPANT		
19	3051080000	OCCUPANT		
20	3051079000	OCCUPANT		
21	3051070000	OCCUPANT		
22	3051044000	OCCUPANT	COMMISSION ST	SALINAS CA
23	3051066000	OCCUPANT	222 COMMISSION ST	SALINAS CA

Attachment 2

Excerpt from the Monterey County 1992 General Plan, "Solid Waste Disposal"

The future of solid waste management in Monterey County will involve employing innovative technologies which allow for economical waste processing to create marketable waste byproducts such as fuel and raw materials. By the year 2000 the County will also have established educational and public information programs which emphasize conservation, recycling, and resource recovery. During this period, some of the County disposal sites may close and solid waste may be consolidated into two major disposal sites at the current Marina and Johnson Canyon Road (near Gonzales) disposal sites.

Attachment 3a



An Economic Impact Analysis Of SALINAS VALLEY SOLID WASTE AUTHORITY



**THIS PROJECT IS SUPPORTED IN PART BY
THE CALIFORNIA ASSOCIATION FOR LOCAL ECONOMIC DEVELOPMENT**



Prepared by:
Solution Mountain, Inc.
A CALED Technology Partner
April 2011

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General Project Description

The following economic impact analysis has been prepared on behalf of Salinas Valley Solid Waste Authority (SVSWA). This study seeks to understand the economic impacts for the SVSWA and its associated waste hauling businesses. The analysis uses historical data to measure the economic benefits with respect to jobs, gross economic output, capital income and taxes.

Definitions and Methods

The Economic Impact Analysis Report (attached below) is based on data sets that are specific to Monterey County market area. The typical analysis is either supported by data that is specific to the project or one that is based on historical datasets that are specific to the related market and industry sectors. This report uses historical datasets provided by IMPLAN¹. The report represents a broader view than simply the Project's direct expenditures or employment. For example the analysis measures the economic "footprint" as project dollars multiply inside and outside of the market area and it includes calculations for both direct and indirect impacts. It is the preparer's opinion that the report presents a conservative view of the impacts.

This analysis seeks to quantify the on-going economic benefits of the hauling activities as well as the economic impacts generated by SVSWA operations. The results of this report are not scientific but are historically-representative of the economic impacts.

The Project's analysis includes six categories:

1. **Gross Economic Output:** The aggregated market value of goods and services produced by businesses and government enterprises in the economy. It is essentially equal to the revenue collected by businesses (including indirect taxes) within the County or impact area.
2. **Gross County Product:** The total of value added created by the production of goods and services in the economy. It represents the sum of labor compensation, capital type income and indirect business taxes. Gross County Product is best described as new money added to the community as a result of the project.
3. **Total Labor Income:** The compensation to employees and self-employed proprietors including both wages and indirect payments such as retirement benefits, health insurance and other similar fringe benefits.

¹ The data sets used in this report are provided by Minnesota IMPLAN Group, Inc (MIG, Inc), the developers of the IMPLAN® economic impact modeling system. IMPLAN® is used to create complete, extremely detailed Social Accounting Matrices and multiplier models of local economies. Implan enables users to make in-depth examinations of state, multi-county, county or sub-county and metropolitan regional economies. Implan is used by more than 1,000 public and private institutions. MIG, Inc. has been developing complex localized databases and serving public and private organizations since 1993.



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4. **Total Employment:** The number of jobs generated within the impact area including full-time and part-time positions, salaried workers and sole proprietors.
5. **Capital Income:** The sum of income such as business profits, interest and rental income. Capital Income is best described as non-labor benefits.
6. **Indirect Business Tax:** Taxes and fees not based in the businesses' income. It may represent sales taxes (if any) levied by the state and county and also property taxes levied against businesses as well as federal, state and local fees.



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Executive Summary

Gross Economic Output: The economic impact report (attached below) summarizes the benefits of both the project's direct investment and the resulting indirect impact. Initial estimates show the project's direct investment will be approximately \$32.7 million (Note: the project worksheet, shown at exhibit A details how the direct impact numbers were derived). The \$32.7 million direct impact number includes the direct revenues associated with the transportation haulers and one year annual budget of the SVSWA². The value of the direct investment has a multiplier effect as it changes hands. The analysis estimates a direct investment of \$32.7 million will produce an additional \$16.4 million in indirect impacts. The value of the direct and indirect impacts total \$49.1 million.

Gross County Product: The gross county product seeks to measure the value-add to the local community. The project's gross economic impact is estimated at \$49.1 million, with an estimated \$26.8 million of this amount benefiting the local economy. The balance of the impact will typically be distributed in the surrounding counties, the state and nation.

Labor & Jobs: The analysis seeks to measure labor income and job impacts. The total labor income is estimated at \$17.4 million. The analysis estimates that 425 jobs (full and part-time) will be benefited. The jobs in this analysis represent both the direct jobs as well as jobs that are indirectly impacted as a result of the project.

Capital Income: Capital Income, including profits, interest and rental income generated from activities associated with this project is estimated to exceed \$7.5 million.

Indirect Business Taxes: This analysis estimates the project will produce \$1.9 million in indirect business taxes.

² The actual earned revenues for haulers that are associated with this analysis are unknown. To arrive at estimated revenues, labor dollars were applied to IMPLAN datasets to extrapolated estimated earnings.

Industry Sectors

This analysis is a study of the industry sectors and geographic area associated with this project. The result is a representative analysis with outputs that are based on historical datasets but not necessarily unique to this development. The following describes the industry categories that are associated with the Project. The categories are based upon the North American Industry Classification System (NAICS).

NAICS 562	Administrative Support,	Waste Management and Remediation
NAICS 484	Transportation Truck Transportation	Waste Hauling

Summary of Economic Impacts

The Economic Impact Report (shown below) details the Project's economic impacts. In summary, it is estimated that the project activities will produce the following benefits:

- *\$49.1 million in Gross Economic Output*
- *\$26.8 million in Gross County Product.*
- *\$17.4 million in Total Labor Income.*
- *425 total jobs (full and part-time).*
- *\$7.5 million in Capital Income.*
- *\$1.9 million in Indirect Business Taxes and Fees.*

Ongoing Economic Impacts – 5 Years

Both of the categories analyzed in this report (waste management and remediation and waste hauling) have the potential to provide on-going economic impacts. Assuming all things remain equal, the annual direct impact of \$32.7 million produces \$49.1 in annual benefits and \$245.6 million in gross economic impacts over a five-year period.

About Solution Mountain, Inc:

Since 2003, the principals of Solution Mountain, Inc. have prepared hundreds of economic impact reports for state agencies, cities, counties, economic development districts and private corporations. Each report is based on IMPLAN datasets specific to the project's location and unique industry sectors. Solution Mountain, Inc. is a technology partner for the California Association for Local Economic Development (CALED). Robert Gilmore, the CEO, is the recipient of the Ford Foundation's Award for Innovations in American Government and the Council of State Government's Award for Innovation.



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Economic Impact Report

Salinas Valley Solid Waste Authority Monterey County, California

Gross Economic Output

Gross Economic Output is the aggregated market value of goods and services produced by firms and government enterprises in the County's economy. It is essentially equal to the revenue collected by businesses (including indirect taxes) within the County.

	Direct Impact	Indirect and Induced Impact	Total Impact
On Going Benefit:			
Administrative And Support, Waste Management And Remediation Services	15,000,000	\$7,493,794	\$22,493,790
Transportation			
Truck Transportation	\$17,714,000	\$8,910,774	\$26,624,770
Waste Hauling			
Total:	\$32,714,000	\$16,404,568	\$49,118,560

Gross County Product

Gross County Product is the total value added created by the production of goods and services in the local economy. It is analogous to the concept of Gross Domestic Product at the national level. It represents the sum of labor compensation, capital type income (profits, interests and rents), and indirect business taxes (which are mainly sales taxes, but also include property taxes and government mandated fees).

	Initial Purchase	Total Impact
On Going Benefit:		
Administrative And Support, Waste Management And Remediation Services	15,000,000	12,013,650
Transportation		
Truck Transportation	\$17,714,000	\$14,804,850
Waste Hauling		
Total:	\$32,714,000	\$26,818,300



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Indirect Business Tax

Indirect Business Taxes: Are taxes and fees that are not based in the businesses' income. For the most part they represent sales taxes levied by the State and the county, but also include property taxes levied against businesses as well as fees imposed by federal, state and local governments.

	Initial Purchase	Total Impact
On Going Benefit:		
Administrative And Support, Waste Management And Remediation Services	15,000,000	1,073,899
Transportation		
Truck Transportation	\$17,714,000	\$855,047
Waste Hauling		
Total:	\$32,714,000	\$1,928,946

Gross Economic Output Summary

	Jobs	Direct Impact	Total Impact
On Going 5 Year Benefit:	425	\$32,714,000	\$245,592,800
Total:	425	\$32,714,000	\$245,592,800



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EXHIBIT A - Project Worksheet

SALINAS VALLEY SOLID WASTE AUTHORITY

Sample Test Basis	Sample Test Payroll	Sample Test Payroll % of Direct	Actual Employment	Employment as % of Direct Impact	Resulting Calculated Direct Impact
Hauler Activity					
\$ 1,000,000	\$ 569,404	56.9%			
				\$	
			\$ 981,349	56.90	\$ 1,724,691
			\$ 553,893		\$ 973,450
			\$ 3,988,916		\$ 7,010,397
			\$ 3,415,051		\$ 6,001,847
			\$ 1,140,000		\$ 2,003,515
Total			\$ 10,079,209		\$ 17,713,900
Waste Mgmt Activity					
\$ 1,000,000	\$ 232,667	23.3%	\$ 3,490,000	23.2%	\$ 15,000,000



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**SALINAS VALLEY SOLID WASTE AUTHORITY
An Economic Impact Analysis of CONSTRUCTING AND OPERATING AN AUTOCLAVE**



**THIS PROJECT IS SUPPORTED IN PART BY
THE CALIFORNIA ASSOCIATION FOR LOCAL ECONOMIC DEVELOPMENT**



Prepared by:
Solution Mountain, Inc.
A CALED Technology Partner
December 2011

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Summary of Economic Impacts.....	6
Ongoing Economic Impacts – 5 Years	6
About Solution Mountain, Inc:	7
Economic Impact Report – CONSTRUCTING AND OPERATING AN AUTOCLAVE	8

General Project Description

The following economic impact analysis has been prepared on behalf of Salinas Valley Solid Waste Authority (SVSWA). The SVSWA Board has been investigating alternatives to landfill disposal of solid waste. The goal, reaffirmed in August 2010, is to achieve 75% diversion from landfills.

This study seeks to understand the economic impacts for constructing a waste autoclave. A waste autoclave is a form of solid waste treatment that utilizes heat, steam and pressure of an industrial autoclave in the processing of waste. Waste autoclaves process waste either in batches or in continuous-flow processes. In batch processes, saturated steam is pumped into the autoclave at temperatures around 160°C. The pressure in the vessel is maintained at 5 bar gauge for a period of up to 45 minutes to allow the process to fully 'cook' the waste. The autoclave process gives a very high pathogen and virus kill rate.

Modern autoclaves, also referred to as converters, can operate in the atmospheric pressure range to achieve full sterilization of pathogenic waste. Super heating conditions and steam generation are achieved by variable pressure control, which cycles between ambient and negative pressure within the sterilization vessel. The advantage of this new approach is the elimination of complexities and dangers associated with operating pressure vessels¹.

Definitions and Methods

The Economic Impact Analysis Report (attached below) is based on data sets that are specific to Monterey County market area. The typical analysis is either supported by data that is specific to the project or one that is based on historical datasets that are related to the project's market and industry sectors. This report uses historical datasets provided by IMPLAN². The report represents a broader view than simply the Project's direct expenditures or employment. For example the analysis measures the economic "footprint" as project dollars multiply inside and outside of the market area and it includes calculations for both direct and indirect impacts.

The results of this report are not gathered from project-specific information but from datasets that are historically-representative of the economic impacts.

¹ Reference Wikipedia. http://en.wikipedia.org/wiki/Waste_autoclave

² The data sets used in this report are provided by Minnesota IMPLAN Group, Inc (MIG, Inc), the developers of the IMPLAN® economic impact modeling system. IMPLAN® is used to create complete, extremely detailed Social Accounting Matrices and multiplier models of local economies. Implan enables users to make in-depth examinations of state, multi-county, county or sub-county and metropolitan regional economies. Implan is used by more than 1,000 public and private institutions. MIG, Inc. has been developing complex localized databases and serving public and private organizations since 1993.

The Project's analysis includes six categories:

1. **Gross Economic Output:** The aggregated market value of goods and services produced by businesses and government enterprises in the economy. It is essentially equal to the revenue collected by businesses (including indirect taxes) within the County or impact area.
2. **Gross County Product:** The total of value added created by the production of goods and services in the economy. It represents the sum of labor compensation, capital type income and indirect business taxes. Gross County Product is best described as new money added to the community as a result of the project.
3. **Total Labor Income:** The compensation to employees and self-employed proprietors including both wages and indirect payments such as retirement benefits, health insurance and other similar fringe benefits.
4. **Total Employment:** The number of jobs generated within the impact area including full-time and part-time positions, salaried workers and sole proprietors.
5. **Capital Income:** The sum of income such as business profits, interest and rental income. Capital Income is best described as non-labor benefits.
6. **Indirect Business Tax:** Taxes and fees not based in the businesses' income. It may represent sales taxes (if any) levied by the state and county and also property taxes levied against businesses as well as federal, state and local fees.



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Executive Summary

Gross Economic Output: The economic impact report (attached below) summarizes the benefits of both the project's direct investment and the resulting indirect impact. Initial estimates show the project's direct investment will be approximately \$26.6 million. This number is derived from information provided by the SVSWA and also estimates that have been calculated by the analyst. SVSWA provided estimated construction costs and operation and the maintenance expenses for selected equipment. The budget for operating the plant was calculated using payroll estimates provided by SVSWA and IMPLAN datasets. The direct impact number includes the costs associated with constructing, operating and maintaining the facility. The value of the direct investment has a multiplier effect as it changes hands. The analysis estimates a direct investment will produce an additional \$14.6 million in indirect impacts. The value of the direct and indirect impacts total \$41.2 million.

Gross County Product: The gross county product seeks to measure the value-add to the local community. The project's gross economic impact is estimated at 41.2 million, with an estimated \$22.6 million of this amount benefiting the local economy. The balance of the impact will typically be distributed in the surrounding counties, the state and nation.

Labor & Jobs: The analysis seeks to measure labor income and job impacts. The total labor income is estimated at \$16.7 million. The analysis estimates that 360 jobs (full and part-time) will be benefited. The jobs in this analysis represent both the direct jobs as well as jobs that are indirectly impacted as a result of the project. Approximately 67 jobs are anticipated to be permanently benefited.

Capital Income: Capital income, including profits, interest and rental income generated from activities associated with this project is estimated to exceed \$4.5 million.

Indirect Business Taxes: This analysis estimates the project will produce \$1.3 million in indirect business taxes.

Industry Sectors

This analysis is a study of the industry sectors and geographic area associated with this project. The result is a representative analysis with outputs that are based on historical datasets but not necessarily unique to this development. The following describes the industry categories that are associated with the Project. The categories are based upon the North American Industry Classification System (NAICS).

Construct – Autoclave Facilities
Machinery, repair, operation and maintenance
Waste management and remediation services

Summary of Economic Impacts

The Economic Impact Report (shown below) details the Project's economic impacts. In summary, it is estimated that the project activities will produce the following benefits:

- *\$41.2 million in Gross Economic Output*
- *\$22.6 million in Gross County Product.*
- *\$16.7 million in Total Labor Income.*
- *360 total jobs (full and part-time).*
- *\$4.5 million in Capital Income.*
- *\$1.3 million in Indirect Business Taxes and Fees.*

Ongoing Economic Impacts – 5 Years

This project has the potential to provide both one-time and on-going economic impacts. When the one-time impacts of \$33.1 million are combined with five years of the annually reoccurring impacts (\$43.2 million) the total is more than \$76.4 million.

**About Solution Mountain, Inc:**

Since 2003, the principals of Solution Mountain, Inc. have prepared hundreds of economic impact reports for state agencies, cities, counties, economic development districts and private corporations. Each report is based on IMPLAN datasets specific to the project's location and unique industry sectors. Solution Mountain, Inc. is a technology partner for the California Association for Local Economic Development (CALED). Robert Gilmore, the CEO, is the recipient of the Ford Foundation's Award for Innovations in American Government and the Council of State Government's Award for Innovation.



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Economic Impact Report – CONSTRUCTING AND OPERATING AN AUTOCLAVE Salinas Valley Solid Waste Authority

Gross Economic Output

The aggregated market value of goods and services produced by firms and government enterprises in the County's economy. It is essentially equal to the revenue collected by businesses (including indirect taxes) within the County.

Implan Industry	Frequency	Direct Impact	Indirect and Induced Impact	Total Impact
Construct – Autoclave Facilities	One Time	\$21,000,000	\$11,634,270	\$32,634,270
Machinery, repair, operation and maintenance	On Going	\$440,000	\$81,421	\$521,421
Waste management and remediation services	On Going	\$5,200,000	\$2,930,624	\$8,130,624
Totals:		\$26,640,000	\$14,646,316	\$41,286,316

Gross County Product

The total value added created by the production of goods and services in the local economy. It is analogous to the concept of Gross Domestic Product at the national level. It represents the sum of labor compensation, capital type income (profits, interests and rents), and indirect business taxes (which are mainly sales taxes, but also include property taxes and government mandated fees).

Implan Industry	Frequency	Initial Purchase	Total Impact
Construct – Autoclave Facilities	One Time	\$21,000,000	\$17,990,034
Machinery, repair, operation and maintenance	On Going	\$440,000	\$288,046
Waste management and remediation services	On Going	\$5,200,000	\$4,342,450
Totals:		\$26,640,000	\$22,620,531

Total Labor Income

The compensation to employees and self-employed proprietors including both wages and indirect payments such as retirement benefits, health insurance and other similar fringe benefits.

Implan Industry	Frequency	Initial Purchase	Total Impact
Other new construction	One Time	\$21,000,000	\$13,915,861
Commercial machinery repair and maintenance	On Going	\$440,000	\$187,654
Waste management and remediation services	On Going	\$5,200,000	\$2,656,921
Totals:		\$26,640,000	\$16,760,436

Total Employment

The number of jobs generated within the County, and includes: * full-time and part-time positions * salary workers *sole proprietors.

Implan Industry	Frequency	Initial Purchase	Total Impact
Other new construction	One Time	\$21,000,000	293
Commercial machinery repair and maintenance	On Going	\$440,000	5
Waste management and remediation services	On Going	\$5,200,000	62
Totals:		\$26,640,000	360

Capital Income

The sum of all property type income (such as business profits, interest income and rental income) generated within the County.

Implan Industry	Frequency	Initial Purchase	Total Impact
Other new construction	One Time	\$21,000,000	\$3,175,669
Commercial machinery repair and maintenance	On Going	\$440,000	\$76,094
Waste management and remediation services	On Going	\$5,200,000	\$1,297,371
Totals:		\$26,640,000	\$4,549,135

Indirect Business Tax

Are taxes and fees that are not based in the businesses' income. For the most part they represent sales taxes levied by the State and the county, but also include property taxes levied against businesses as well as fees imposed by federal, state and local governments.

Implan Industry	Frequency	Initial Purchase	Total Impact
Other new construction	One Time	\$21,000,000	\$898,310
Commercial machinery repair and maintenance	On Going	\$440,000	\$24,294
Waste management and remediation services	On Going	\$5,200,000	\$388,159
Totals:		\$26,640,000	\$1,310,763

new lower tipping fee with the District that is similar to the tipping fees being offered to accept tons from outside the County

Scenario 4

Remain a member of the Authority, continue to direct all tons generated in the unincorporated areas to the Authority's disposal facilities, negotiate a new lower system-wide tipping fee with the Authority

CONTRACTOR will compare the benchmarks it calculates for the alternate scenarios with the base scenario. CONTRACTOR will use the benchmarks described above to make these comparisons. CONTRACTOR will prepare workshops and schedules to support its calculations. CONTRACTOR will prepare exhibits that depict its comparisons

In addition to these quantitative comparisons, for each scenario, CONTRACTOR will identify the public policy advantages and disadvantages of each potential scenario. For example, one of the disadvantages to re-directing a significant portion of the tonnage now being delivered to the Authority's disposal facilities is that it may result in a significant increase in tipping fees for solid waste ratepayers in the cities in the southern areas of the County. This economic impact would not be borne by ratepayers in the unincorporated areas, however, it may be considered by the County from a public policy perspective. In its evaluation of the scenarios above, CONTRACTOR will identify these and other types of public policy issues that may be helpful to the County's decision-making process.

Task 4: Review Preliminary Results with County Staff

(to be completed within 10 weeks of notice to proceed)

CONTRACTOR will meet with County staff to review its analysis and preliminary evaluation. The purpose for this meeting is to confirm a common understanding of the evaluation and the underlying assumptions. CONTRACTOR will discuss the implications of each scenario, and consider if there are other scenarios CONTRACTOR may need to model. CONTRACTOR will make any revisions based on our meeting, and prepare to meet with representatives of Carmel Marina

(*)

Pinson, Wm Ted 798-1297

From: Dave Davis (dave@msw-consultants.com)

Sent: Friday, March 25, 2011 2:14 PM

To: Ramirez, John x4539; Rios, Teresa x5979

Subject: Impact of recycling in East Monterey county on local jobs

Attachments: 2011-03-23 Want the economy to improve - Recycle - KION KCBA - Monterey, Salina.pdf

Teresa and John,

Here is a link to a news story about the economic impact of recycling in East Monterey County. It is based on a report prepared by the Monterey Business Council and the California Association of Economic Development. This highlights another issue we will probably need to address; the jobs that may be lost as the result of a merger between the SVSWA and the MRWMD.

<http://www.kionighnow.com/global/story.asp?s=14306944>

I was not able to find the actual report online.

Dave

David L. Davis, CMA

MSW Consultants

27393 Ynez Road, Suite 259

Temecula, California 92591

951/694-4001

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April 18, 2012

Supervisor Jane Parker
2616 J Avenue
Marina, CA 93933

Subject: Rate Increase Concerns

Dear Ms. Parker: *Jane*

Thank you for your letter of April 17, 2012, regarding your concerns over our proposed rate increase. I will distribute your letter to our Board members. I also want to take this opportunity to correct some of the misinformation you have received that has understandably resulted in your raising the concerns in your letter to our Board.

The information regarding the extent of the SWSWA rate increase being distributed to the media by a few community members is incorrect. As you know, the current bills for garbage collection services include three parts: Haulers Service Fee, Disposal Fee (landfills) and Franchise Fee set by each jurisdiction. The solid waste agencies do not set Franchise Fees or Hauler Service fees. Below is an example of the SWSWA projected impacts to County customers, exclusive of the hauler service fees and County Franchise fees over which we do not have administrative rate setting control:

Service	Size	Community	Monthly	Disposal	Estimated	Monthly
35 gal cart	1 cy bin	Uninc. Mo.Co.	Bill	Portion*	Increase	Increase
		Uninc. Mo.Co.	\$147.73	\$16.50	\$2.64	1.8%
		Uninc. Mo.Co.	\$26.09	\$4.55	\$0.63	2.4%

* Most including Franchise Fees

There has been a recent misstatement of facts and claiming our rate proposal will result in a 20% rate hike, when the actual impact associated with the SWSWA is only 2-4% as you can see above. As a community agency, we have been respectful of the current economic circumstances

Subject: Working Relationship Between Solid Waste Agencies

and have held our rates down for the last four years through employee cost saving initiatives, development of new revenue sources, and improved operating efficiencies. To highlight the benefits of our cost saving measures and stable rates, I have attached a table showing our rate impacts over the last four years in comparison to the various rate increases approved by the County over the same period. You can clearly see the SVSWA impact to the County's rate payers the last four years, including Crazy Horse closure, has been relatively small (2-6%) compared to the overall approved increases of 27%-66%.

The necessary rate adjustments we are proposing are critical today and have been under discussion for well over 3 years as we work to put the SVSWA on a new and financially sustainable path for the future. All solid waste agencies are facing the same issues in this period of transition from landfilling to resource recovery. We have many legal, financial and contractual obligations that we did not create, but were given stewardship responsibility for at the time of our formation. Our agency remains an environmental steward for the past landfilling practices in the Salinas Valley as well as an advocate for more sustainable waste management practices in the future.

The major discussion going in our industry right now is how to end our reliance on "burying refuse in a landfill" for the sole purpose of raising revenues to support the programs to keep that same waste out of the landfill. Our agency's overriding goal since 2005 has been to harvest the remaining valuable resources from our wastestream and focus on reducing our agency's environmental footprint. Our past practices of relying on landfill revenues to support or subsidize recycling are in conflict with our agency's purpose and function and no longer sustainable. To this end, a significant component of our proposed rate increase is aimed at weaning ourselves off revenues derived from filling our landfill with waste from outside our county. We are planning to discontinue this practice at the end of our current waste importation agreement in 3-5 years.

I hope this addresses some of your immediate concerns and both William and I will stay engaged in our discussions on how we can find common ground to support good, sustainable decisions to support the long range objectives of both agencies. I would also welcome an opportunity to sit down with you to discuss the proposed rate setting policies impacting your constituents in Salinas. If you have any questions, please do not hesitate to contact me at (831) 775-3000 or email: patrikm@svswa.org.

Sincerely,

R. Patrick Mathews

General Manager/Chief Administrative Officer
Salinas Valley Solid Waste Authority

Attachments: Rate impact summary for eastern unincorporated Monterey County

Copy to: SVSWA Board of Directors
William Merry, MRWMD

MONTHLY RATE INCREASE

SUMMARIES Eastern Monterey

County 2008-2012

Jurisdiction	Service Level	2008/09	2009/10	2010/11	2011/12	Total		SVSWA		
		Rate	Rate	Rate	Rate	Rate	%	Effect on	%	Tons/Mo
						Increase	Increase	Rate	Increase	
Northeastern Agreement										
UFA										
Unic. County	35 gallon cart	\$17.81	\$19.90	\$23.08	\$26.50	\$7.69	43.2%	\$0.74	4.2%	0.072
(SVSWA Customers)	64 gallon cart	\$24.02	\$26.65	\$30.93	\$39.98	\$15.96	66.4%	\$1.48	6.2%	0.143
	1 cubic yard	\$114.38	\$125.45	\$145.85	\$146.00	\$30.62	26.8%	\$2.89	2.3%	0.260
	2 cubic yards	\$148.37	\$160.20	\$186.31	\$232.00	\$85.63	58.5%	\$5.37	3.7%	0.520
	3 cubic yards	\$246.56	\$269.03	\$313.02	\$334.96	\$88.39	35.8%	\$8.06	3.3%	0.779

MONTEREY COUNTY
SHERIFF'S OFFICE



January 31, 2013

The Honorable Maria Anderson
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

RE: Sheriff's Office Response to the 2012 Civil Grand Jury Interim Final Report
No. 4

Dear Presiding Judge Anderson:

Please accept the attached response to the 2012 Civil Grand Jury Interim Final Report
No. 4.

Last year, the 2011 Civil Grand Jury reported on overtime issues in the County Jail in their Final Report. In my formal response to that report I expressed my appreciation to them for focusing attention on this important issue. I also emphasized this issue had been of great concern to me upon assuming office. As a result I had initiated several steps to address both the financial and health-related costs of this issue. Among the items I mentioned were:

1. The creation of twelve Custody and Control Specialist positions to handle duties previously performed by Deputy Sheriffs. These new positions will provide additional staffing in the jail at regular rates significantly below the Deputy Sheriff hourly rate, and allow deputies formerly assigned to these tasks to fill open shifts, thereby reducing overtime. We have just filled the first four of these positions. If this new structure is successful I may request an additional twelve positions to further reduce the use of overtime and staffing costs in the jail.
2. The implementation of a new timekeeping/scheduling software program that will allow for improved scheduling of shifts and monitoring of employee hours. The new system should be operational in the first half of 2013 and will enhance the scheduling of shifts, providing more control and oversight concerning the amount of overtime being worked by individual employees.

Contrary to inaccurate statements in Interim Final Report No. 4, two policies were implemented in 2012 addressing this issue. The first, General Order 12-04 (copy attached), was implemented on May 14, 2012. After receiving comments from staff on the difficulty in understanding this policy, the Deputy Sheriff's Association (DSA) proposed a modification to this policy, which was implemented as General Order 12-06 (copy attached). It became effective August 8, 2012 and is still in effect.

3. Analyzing the operations of the entire Sheriff's Office to ensure that all services are being provided in the most effective and efficient manner. It should come as no surprise that the amount of overtime hours worked at the County Jail is most directly the result of severe budget and staff reductions over the past several years. I have directed staff to audit, evaluate and assess all units of our operations to determine where cost savings can be realized, so that we can maintain, if not augment, current staffing levels. Examples of such savings that have already been realized include:

- Bidding out the inmate medical services contract for the first time in twenty-seven years, resulting in a reduction in annual costs of over half a million dollars;
- Modifying the Forensic Pathologist contract, which reduced expenditures by over \$60,000 in the first year of implementation;
- Reducing the number of on-call employees by forty percent, while still ensuring appropriate staff coverage for off-duty call outs;
- Reducing the number of employees with take home vehicles by seventy percent;
- Reducing the number of Command Staff positions and altering the schedules of Watch Commanders and Detectives to provide nighttime and weekend coverage, increasing management oversight and reducing overtime.

Given the appreciation I had for the 2011 Civil Grand Jury in addressing an issue that I had also identified as a critical issue, I am extremely disappointed in the factual inaccuracies contained in the 2012 Interim Final Report No. 4. Among those inaccuracies are:

- Stating on Page 1 that *'the CGJ selected five departments to investigate and met with the Department Heads of all five units, and then concentrated its efforts on the Sheriff's Department and Emergency Communications'*. As Sheriff of Monterey County, I am the Department Head of the Sheriff's Department. I was never contacted by, nor did I ever meet with, the 2012 Civil Grand Jury on the issue of overtime, although I would have enthusiastically done so;

- Stating on Page 2 that *'each department defines its own rules regarding overtime, insurance and benefits, hours of work and scheduling, sick leave, vacation pay, time off, among other things'*. In fact, all of these items are covered under the

employee bargaining unit's memorandum of understanding or the County's Board of Supervisors. Departments have very little discretion to adopt rules or policies in any of the areas mentioned in the statement above.

- Stating on Page 3 that *'in July of 2012 a cap of 56 hour per week including overtime was discussed but nothing has been implemented as of October 2012.'* In fact as stated above, the "56 hour rule" was implemented as General Order 12-04 in May, 2012, then modified by General Order 12-06 in August, 2012. Both General Orders were intended to limit the number of hours a deputy could work in any given period to maintain the deputy's physical and mental health.

- Stating on Page 3 that the deputies *'regular staffing schedule of 2 shifts of 12 hours and 2 shifts of 8 hours is designed for deputies to work 40 hours a week.'* In fact, the regular schedule for deputies in the Jail and on patrol is to work seven (7) shifts of twelve (12) hours, and one (1) shift of eight (8) hours in each pay period (two weeks).

The most troubling aspect of these inaccuracies is that it misrepresents what continues to be a significant issue in the Sheriff's Office. Over the past ten years, over seventy (70) deputy sheriff positions have been eliminated. In addition, several employees are out on long term medical issues. Hiring new deputies is an arduous process that can take a year or more, given the testing and training that needs to occur. If we had not lost these positions, and if the County exercised more initiative in managing Worker's Compensation claims, overtime use in the Sheriff's Office would not be a major issue.

Furthermore, the Grand Jury report cites the fact that Sheriff's Office overtime expenditures exceeded the overtime budget for Fiscal Year 2011-12, without acknowledging the salary savings from the vacant positions in the budget. The salary savings from those positions, combined with the other cost savings measures mentioned above, resulted in us spending approximately \$500,000 less than our approved total budget. Historically, overtime use is balanced by difficult-to-fill vacancies.

In summary, my executive staff and I continue to place heavy emphasis on identifying and implementing new policies and systems that can address overtime issues, while maintaining our ability to protect the citizens of this County, our staff, and the inmates at the County Jail.

Please feel free to contact me if I can provide any additional information.

Sincerely,



Scott K. Miller
Sheriff-Coroner

MONTEREY COUNTY SHERIFF'S OFFICE
RESPONSE TO
THE MONTEREY COUNTY
CIVIL GRAND JURY INTERIM REPORT NO. 4 -
MONTEREY COUNTY OVERTIME EXPENDITURE

F-1. *If the proposed cap of 56 hours of work a week is implemented in the Sheriff Department, it will allow 16 hours of overtime per week. However, certain employees will have their total hours worked reduced.*

I disagree partially with the finding. A 56 hour cap was implemented as General Order 12-04 (copy attached), on May 14, 2012. After receiving comments from the staff on the difficulty in understanding and monitoring this policy, the Deputy Sheriff's Association (DSA) proposed a modification to this policy, which was implemented as General Order 12-06 (copy attached) effective August 8, 2012 and is still in effect. I do agree that it has worked to reduce some employee's total hours worked.

F-2. *Insufficient control of nonproductive time off by Sheriff's deputies resulted in excessive overtime.*

I disagree wholly with this finding. The majority of overtime hours are a result of reduced staffing, workers compensation issues, and the difficulty in hiring qualified deputies to take on the challenges and responsibilities that come with law enforcement positions.

F-4. *The Sheriff's department is not utilizing the CAO's "on loan" positions to cover their long term Worker's Compensation leave vacancies.*

I agree with this finding. The reason we don't use the "on loan" positions to cover for deputies who are out on medical leave is that the qualifications and certifications required to become a deputy would not make this concept workable. In order to qualify as a deputy, an applicant must pass a written and physical agility test, oral interview panel, extensive background investigation, polygraph examination, psychological and medical testing. Sheriff's interview, have completed a six month basic police academy, and an eighteen week Field Training Program before they can be deployed as a deputy to handle calls on their own. This process can often take longer than a year to complete and statewide averages for hiring police officers hover around one percent of all applications received. There is no "pool" of qualified deputy candidates waiting to be hired to backfill a deputy who is out on leave. Additionally, often times the projected return date of injured employees is unknown or incapable of estimation. Given the recruiting/training restrictions, this idea is impractical and illogical.

**MONTEREY COUNTY SHERIFF'S OFFICE
RESPONSE TO
THE MONTEREY COUNTY
CIVIL GRAND JURY INTERIM REPORT NO. 4 -
MONTEREY COUNTY OVERTIME EXPENDITURE**

R-1. The Sheriff Department should implement a proposed cap of 56 hours of work per week.

The recommendation has already been implemented. A 56 hour cap was implemented as General Order 12-04 (copy attached), on May 14, 2012. After receiving comments from the staff on the difficulty in understanding and monitoring this policy, the DSA proposed a modification to this policy, which was implemented as General Order 12-06 (copy attached) effective August 8, 2012 and is still in effect.

R-4. Departments that are able to utilize more part-time employees to reduce overtime should make an effort to do so.

This recommendation has been implemented. The Sheriff's Office regularly uses part-time and temporary employees to reduce overtime. As stated above, deputy sheriffs require special training and testing that is not normally conducive to part-time employment. One area where it may prove feasible is in the use of retired police officers to act as paid reserves to act in limited situations, thereby freeing up full-time deputies for other assignments. A proposal to create a paid reserve position was sent to the County's Human Resources Staff over a year ago. We are still waiting for their response.

R-5. The Sheriff's Department should replace the deputies now out on Workers Compensation leave and use the "on loan positions" from the CAO's budget. Use of these positions would reduce overtime in this Department.

This recommendation will not be implemented due to the fact that there is no pool of qualified deputies to select from to fill these proposed "on loan positions." As stated in my response to F-4 above, the requirements to become a deputy sheriff are arduous and time-consuming. The Sheriff's Office currently has over a dozen deputy sheriff vacancies that we have been trying to fill for over a year. The difficulty in finding qualified candidates is not unique to the Sheriff's Office and is being experienced by most law enforcement agencies in the state. Regardless of the difficulty in filling these positions, I will not lower my standards in hiring individuals into these positions that have so much responsibility and authority.

**MONTEREY COUNTY SHERIFF'S OFFICE
RESPONSE TO
THE MONTEREY COUNTY
CIVIL GRAND JURY INTERIM REPORT NO. 4 -
MONTEREY COUNTY OVERTIME EXPENDITURE**

R-6. The County payroll system should be modified to provide timely reporting of overtime expenditures by department, and require department heads to explain all overtime exceeding 8% of payroll on a quarterly basis to the Board of Supervisors.

This recommendation will not be implemented because it is outside the purview of the Sheriff's Office to implement this recommendation. While I personally agree that the County's payroll system is lacking in its ability to provide useful reports for managing employee resources (and have committed significant financial and staff resources toward implementing a new timekeeping and scheduling system in the Sheriff's Office), I have no authority to change the system that the County utilizes for payroll purposes. In addition, I don't have the authority to require other department heads to report to the Board of Supervisors on any matter.



Monterey County Sheriff's Office

General Order No: 12-04

SUBJECT: Record Keeping

Date: 5/14/2012

Effective immediately, Sheriff Miller has authorized this General Order until it can be added to the Lexipol manual.

1041.1.1 RECORD KEEPING

The Office shall keep complete and detailed records regarding the attendance and pay status of each employee.

A. Payment in lieu of working: No member of the Office shall pay another employee to work a shift for him/her.

B. Voluntary Overtime: During shortages of personnel, employees may be given the opportunity to volunteer for overtime duty in their classification. When such occurs the following applies:

1. No employee may work more than 16 consecutive hours, nor may any employee work more than sixteen (16) hours in a 24 hour period, or more than fifty-six (56) hours in any five (5) day period.

Commander L. Nash
Professional Standards and Training Division



Monterey County Sheriff's Office

General Order No: 12-06

SUBJECT: Voluntary Overtime

Date: 8/8/2012

Effective immediately, Sheriff Miller has authorized this General Order to supersede and replace General Order No. 12-04 (56-Hour Rule) until it can be added to the Lexipol manual.

Employees are encouraged to get adequate rest.

No employee will volunteer for overtime triggering more than three consecutive 16 hour work days.

No employee shall volunteer to work overtime hours that would prevent taking at least 1 day off per week.

Exceptions to this policy must be approved by the employee's supervisor.

San Antonio Union School District

67550 Lockwood/Jolon Rd.
P.O. Box 5000
Lockwood, CA 93932-5000

Administration
Linda Irving
Superintendent/Principal

Office: (831) 385-3051
FAX: (831) 385-4240

Board of Trustees
Don Arganbright
Mary Ann Martinus
Kim Roth
Jason Soares
Staci Wilkins

School Operations Staff
Cherie Landon
Confidential Office Specialist
Randy Cooper
Business Manager
Faye Wells
Confidential Secretary

February 5, 2013

Monterey County Grand Jury
c/o Office of the County Counsel
168 West Alisal, 3rd Floor
Salinas, CA 93901-2439

Dear Mr. McKee,

It is my pleasure to respond to the Findings and Recommendations as a result of the Grand Jury visit to San Antonio.

Finding No. F5 – The CGJ found that due to budget cuts to the state's deferred maintenance program most of the renovation and modernization plans of the schools have not been completed and have been put on hold until after the election.

The Board does not agree with this finding - This is far from the truth for San Antonio School. On the contrary we have obtained both a deferred maintenance grant of \$995,008 and a modernization grant of \$880,138. We contributed our Developer Fees totaling \$194,447 to the projects. Both of these state level grants have been completed and renovation/modernization included the following:

Modernization: ADA compliance of all classrooms, restrooms and common buildings, new stucco and exterior paint, remodeled restrooms with new tile, basins, commodes and fixtures, repave/stripe the parking lot, playground and track, new handsets (that lock from the inside) on all doors, and other minor repairs.

Deferred Maintenance: Reroofed the entire facility, remounted the HV/AC units, completed a low voltage project replacing the phone/bell/clock system, replaced the fire alarm and now all classrooms can call out to 911.

Routine Maintenance – We employ 1.5 FTE custodians that complete routine maintenance and landscaping. We hire out for projects that cannot complete with staff including plumbing and electrical.

As stated in your report, "San Antonio is historically one of the oldest schools, but it has been renovated and modernized to look like a new school. Recent renovations include a new roof and replacement of the fire alarm/intercom/bell/clock system...The school is in excellent condition, very well maintained and cared for by a dedicated fulltime and a half time custodian" (p. 6).



City of Salinas

OFFICE OF THE MAYOR
200 Lincoln Avenue Salinas, California 93901

(831) 758-7201 Fax (831) 758-7368

February 26, 2013

The Honorable Timothy P. Roberts
Presiding Judge of the Superior Court (2012)
County of Monterey
240 Church Street
Salinas, CA 93901

RE: Response to 2012 Monterey County Civil Grand Jury Interim Final Report No. 5—"Salinas Valley Solid Waste Authority"

Dear Judge Roberts:

On February 26, 2013, the Salinas City Council approved the following responses to the findings and recommendations in the 2012 Monterey County Civil Grand Jury Interim Final Report No. 5—"Salinas Valley Solid Waste Authority." The responses follow the findings and recommendations found on pages 6 and 7 of the Final Report.

FINDINGS:

F5. "The CGJ has found that Waste Management's Madison Lane Transfer Station accepts solid waste from self-haul customers. These are self-haul customers that prefer to go to this site rather than the SSTS or Johnson Canyon landfill."

Response: The City of Salinas agrees with this finding. Historically, there have been a number of customers who have preferred to self-haul to Madison Lane as it is more convenient to their homes and businesses than the transfer station. While Madison Lane Transfer Station tonnage has declined, the usage of the Sun Street Transfer Station has been increasing.

RECOMMENDATIONS:

R3. "The CGJ recommends shutting down the residential waste re-handling process at SSTS. The CGJ further recommends that SVSWA cease in its desire to replace the SSTS with a site on Work Street. The CGJ feels the Work Street location is not feasible for this site as it is similar to SSTS. The location has two motels, a car lot, agriculture warehouses, and offices within a 1/4 - 1/2 mile radius. Work Street is also a heavily traveled route to Hwy. 101 north and south exits."

Response: The City of Salinas concurs with the recommendation that the SSTS cease operations but believes further analysis is required before a response can be offered to appropriate relocation sites.

Relocation of the SSTS is a top priority for the City of Salinas. By necessity this would preclude the continuation of activities at the SSTS. City of Salinas staff is working with SVSWA Board and staff to determine the appropriate relocation site and is reviewing all documentation being developed as part of the CEQA study underway to determine relocation impacts.

It is the understanding of the City that the CEQA document will evaluate a number of alternatives including the Work Street site. The Work Street site is ideally suited for a transfer station as it is designated an Industrial Park area, it is between a hot mix asphalt plant and a tallow rendering plant, and is well-situated for large transfer trailers with its proximity to transportation corridors. Traffic and all other impacts for alternatives will be studied in the CEQA compliance process.

R5. The CGJ recommends that the City of Salinas and unincorporated NE Monterey County utilize the Madison Lane Transfer Station site as a self-haul and Materials Recovery Center.

Response: The City of Salinas believes this recommendation requires further analysis.

The City of Salinas has been party to several conversations over the past ten years concerning the use of Madison Lane as a transfer station. Initially, issues involving transfer station operating costs and the proposed construction of the Rossi Street extension prevented this project from going forward. In 2008, the concept of the Madison Lane Transfer Station was again raised however the project was halted due to opposition from the surrounding community indicating traffic in the nearby commercial area. Other sites including the current SSTS and proposed Work Street Site were identified as better suited for the proposed Material Recovery Center.

However, the City of Salinas has been informed that SVSWA will revisit the Madison Lane Transfer Site as an alternative to be studied in the CEQA process.

R6. The CGJ recommends that SVSWA and the City of Salinas work closely with its citizens and businesses by creating an advisory committee to address issues of the recommended closures of SSTS and the utilizing of a facility already in place, Madison Lane Transfer Station.

The SVSWA and the City of Salinas will continue to work closely with its citizens and businesses by creating an advisory committee.

Response: The recommendation has not yet been implemented, but will be implemented in the future in conjunction with the environmental review of the alternative transfer station, not to exceed two years.

Response of the City Council of the City of Salinas
Monterey County Civil Grand Jury 2012
February 26, 2013
Page 3 of 3

The City concurs that formation of a Citizens Advisory Committee would be advantageous. The membership criteria and focus would be determined by the Authority Board of Directors which includes representation from the City of Salinas.

On behalf of the City Council and community of the City of Salinas, thank you for the opportunity to review and comment on the findings and commendations of the 2012 Grand Jury concerning the Salinas Valley Solid Waste Authority.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Gunter", with a stylized flourish at the end.

Joe Gunter
Mayor

JG/w

cc: City Manager Ray E. Corpuz, Jr.
City Attorney Vanessa W. Vallarta
Public Works Director Gary Petersen

Mission Union School



Soledad, California 93960

36825 FOOTHILL ROAD

Telephone
(831) 678-3524
Fax
(831) 678-0491

February 13, 2013

To: Mr. Charles McKee; County Counsel
Monterey County California

From: Governing Board; Mission Union School District
Soledad California

Re: Monterey County Grand Jury Findings

Dear Sir,

We are in receipt of your letter dated 28 January entitled *2012 Monterey County Civil Grand Jury Final Report "One School Districts in South Monterey County"*. Before issuing our response we would like express our sincere appreciation for the cordial, constructive manner in which the visiting members of the MCCGJ conducted the site inspection of our school.

With respect to finding F 5. We agree wholly with the finding and the recommendation R. 1 if there is an acknowledgment that we built a brand new six classroom building and completely remodeled the main building in 2009 as stated in the report. We wholly agree if it is referring to the planned improvements for parking and student drop off mentioned in the report. We are eligible and have applied for modernization and new construction funding to address these issues. (Please see attached forms to OPSC dated October 29, 2012).

With regards to the recommendation R.8 we need clarification. In the final sentence of the *Facts Relevant to the Site* it states "Mission School has a very informative and up-to-date website, teacherweb.com/MissionUnion/SchoolHomePage/SDHPI.stm, with information about all school activities and events." Given this assessment of our website we are unclear what it is about our website that is not an "...active, current, informative website." That being said we are always eager to improve the communication between the district and the public and would welcome any suggestions the MCCGJ might provide us. Thank you again for your assistance in this matter.

Respectfully,


Timothy E. Ryan

Superintendent/Principal
Mission Union School District

36825 FOOTHILL ROAD

Mission Union School



Soledad, California 93960

Telephone
(831) 678-3524
Fax
(831) 678-0491

October 29, 2012

John Gouveia, Project Manager
Office of Public School Construction
707 3rd Street
West Sacramento, CA 95605

Dear Mr. Gouveia:

Our District is currently working with the Consultant, SchoolWorks, Inc., in updating modernization and new construction eligibility. This letter will serve as a request to the Office of Public School Construction from the Mission Union Elementary School District to cooperate with Owen Alvarez, Vice President of SchoolWorks, in any requests he makes relating to historical documents and backup information to update our current eligibility. In particular, he will need the latest SAB 50-01 and SAB 50-02 forms and any worksheets showing the data for the SAB 50-02. In order to update the modernization eligibility we would like copies of the SAB 50-03 and supporting documents showing facility ages and square footage.

I would appreciate it if you could send this information to him via email. Also, since SchoolWorks is located near your office, you could give him a call and someone from his office could come and pick it up.

I appreciate your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Ryan". The signature is written in a cursive, flowing style.

Tim Ryan
Superintendent
Mission Union Elementary School District

STATE OF CALIFORNIA
ENROLLMENT CERTIFICATION/PROJECTION
 SAB 50-01 (REV 05/09)

STATE ALLOCATION BOARD
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION
 Page 6 of 6

SCHOOL DISTRICT Mission Union Elementary	FIVE DISTRICT CODE NUMBER (see California Public School Directory) 68084
COUNTY Monterey	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (if applicable)

Check one: ☐ Fifth-Year Enrollment Projection ☒ Tenth-Year Enrollment Projection

HSAA Districts Only - Check one: ☐ Attendance ☐ Residency

☐ Residency - COS Districts Only - (Fifth Year Projection Only)

☐ Modified Weighting (Fifth-Year Projection Only)

☐ Alternate Weighting - (Fill in boxes to the right):

3rd Prev. to 2nd Prev.	2nd Prev. to Prev.	Previous to Current

Part G. Number of New Dwelling Units
 (Fifth-Year Projection Only)

Part H. District Student Yield Factor
 (Fifth-Year Projection Only)

Part A. K-12 Pupil Data

Grade	7th Prev. 2004 / 2005	6th Prev. 2003 / 2004	5th Prev. 2002 / 2003	4th Prev. 2001 / 2002	3rd Prev. 2000 / 2001	2nd Prev. 1999 / 2000	Previous 2010 / 2011	Current 2011 / 2012
K	14	8	14	12	9	14	16	17
1	8	12	8	12	11	9	16	16
2	7	10	10	10	12	15	12	18
3	10	7	13	12	10	11	16	12
4	11	10	4	13	13	12	12	17
5	12	13	11	7	13	13	12	12
6	15	13	12	12	9	11	16	11
7	9	15	13	13	10	8	13	13
8	15	8	12	11	12	10	8	10
9	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0	0
12	0	0	0	0	0	0	0	0
TOTAL	101	97	97	102	99	103	121	126

Part B. Pupils Attending Schools Chartered By Another District

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
0	0	0	0	0	0	0	0

Part C. Continuation High School Pupils - (Districts Only)

Grade	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
9	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0	0
12	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0

Part D. Special Day Class Pupils - (Districts or County Superintendent of Schools)

	Elementary	Secondary	TOTAL
Non-Severe	0	0	0
Severe	0	0	0
TOTAL	0	0	0

Part E. Special Day Class Pupils - (County Superintendent of Schools Only)

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002	2000 / 2001	1999 / 2000	2010 / 2011	2011 / 2012

Part F. Birth Data - (Fifth-Year Projection Only)

☐ County Birth Data ☐ Birth Data by District ZIP Codes ☐ Estimate ☐ Estimate ☐ Estimate

8th Prev.	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current

Part I. Projected Enrollment

1. Fifth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-5	7-8	9-12	TOTAL

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			
Severe			
TOTAL			

2. Tenth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-5	7-8	9-12	TOTAL
181	42	0	223

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe	0	0	0
Severe	0	0	0
TOTAL	0	0	0

I certify, as the District Representative, that the information reported on this form and, when applicable, the High School Attendance Area Residency Reporting Worksheet attached, is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district.
- If the district is requesting an augmentation in the enrollment projection pursuant to Regulation Section 1859.42.1 (a), the local planning commission or approval authority has approved the tentative subdivision map used for augmentation of the enrollment and the district has identified dwelling units in that map to be constructed. All subdivision maps used for augmentation of enrollment are available at the district for review by the Office of Public School Construction (OPSC).
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE)

Tim Ryan

SIGNATURE OF DISTRICT REPRESENTATIVE

Tim Ryan

DATE

10-29-12

TELEPHONE NUMBER

(408) 676-3524

E-MAIL ADDRESS

tryan@monterey.k12.ca.us

SCHOOL DISTRICT Mission Union Elementary	THE DISTRICT CODE NUMBER (ON CALIFORNIA PUBLIC SCHOOL DISTRICTS) 66084
SCHOOL ADDRESS 36825 Foothill Rd. Soledad, CA 93960	YOUR SCHOOL'S ATTENDING AREA (PLEASE SEE MAPS PAGE IF APPLICABLE)
CITY/COUNTY Monterey	

Part I – District Representative Information

The following individual(s) have been designated as district representative(s) by school board minutes or the designee of the Superintendent of Public Instruction:

DISTRICT REPRESENTATIVE Tim Ryan	TELEPHONE NUMBER (831) 678-3524	E-MAIL ADDRESS tryan@monterey.k12.ca.us
DISTRICT REPRESENTATIVE	TELEPHONE NUMBER	E-MAIL ADDRESS

Part II – New Construction Eligibility Determination: ☐ NEW ☐ ADJUSTED

	K-6	7-8	9-12	Non-Severe	Severe
1. Projected Enrollment (Part I, Form SAB 50-01)					
2. Existing School Building Capacity (Part III, Line 3 of Form SAB 50-02)					
3. New Construction Baseline Eligibility (Line 1 minus Line 2)					

Part III – Modernization Eligibility Determination: ☐ NEW ☒ ADJUSTED

1. School Name: Mission Elementary					
Option A	K-6	7-8	9-12	Non-Severe	Severe
2. Permanent classrooms at least 25 years old	6	1			
3. Portable classrooms at least 20 years old					
4. Total (Lines 2 and 3)	6	1			
5. Multiply Line 4 by: 25 for K-6, 27 for 7-8 and 9-12, 13 for Non-Severe and 9 for Severe	150	27			
6. CBEDS enrollment at school	103	23			
7. Modernization Eligibility (lessor of each column of Lines 5 or 6)	103	23			
Option B					
2. Permanent space at least 25 years old (report by classroom or square footage)					
3. Portable space at least 20 years old					
4. Total (Lines 2 and 3)					
5. Remaining permanent and portable space (report by classroom or square footage)					
6. Total (Lines 4 and 5)					
7. Percentage (divide Line 4 by Line 6)					
	K-6	7-8	9-12	Non-Severe	Severe
8. CBEDS enrollment at school					
9. Modernization Eligibility (multiply Line 7 by each grade group reported on Line 8)					

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district or the designee of the Superintendent of Public Instruction; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on _____, and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE <i>Tim Ryan</i>	DATE 10/29/2012
NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE) Tim Ryan	TELEPHONE (831) 678-3524
E-MAIL ADDRESS tryan@monterey.k12.ca.us	

Bradley Union School District

TR

65600 Dixie Street
P.O. Box 60
Bradley, CA 93426

805 472 - 2310
805 472 - 2339 (fax)

Administration
Ian M. Trejo
Superintendent/Principal

School Operations Staff
Deena Dill
Confidential Office Specialist

Board of Trustees
Scott Smith, President
Meth Vicente, Clerk
Matthew Ryan
Richard Johnston
Linda Loeb

February 18, 2013

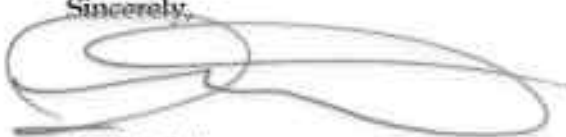
Monterey County Office of the County Counsel
Attn: Civil Grand Jury
168 West Alisal Street
3rd Floor
Salinas, CA 93901-2439

Presiding Judge:

Please find the attached response from the Bradley Union School District Governing Board to the findings indicated in the 2012 Monterey County Civil Grand Jury Final Report - "One School Districts in South Monterey County."

Thank you.

Sincerely,



Ian M. Trejo
Superintendent/Principal

03 MAR 13 13 7


Bradley Union School District


Governing Board Response to the report filed by the Monterey County Civil Grand Jury

In response to Finding #5: The Governing Board partially agrees with the finding. While some deferred maintenance projects have been delayed, several have been completed, including: Renovated student bathrooms, renovated staff bathroom, repaired roofs on the multi-purpose building and main school building, repaired stucco and new paint on the multi-purpose building, and new rain gutters on both the multi-purpose building and the main school building. The Bradley community has also passed a General Obligation bond to provide funding for further repairs and improvements to the school grounds, as new deferred maintenance funds are not available to the District at this time.

In response to recommendation #1: The Governing Board agrees that further deferred maintenance funding would be beneficial to the District, but it is not available to the District at this time. Therefore a GO bond was passed to further improve and repair the school grounds.

In response to recommendation #8: The Governing Board agrees that a well maintained website is a useful tool for parents and families of Bradley School. However, the Governing Board and school administration would like to state that the Bradley School website is updated regularly, includes all required postings, and is easy to access.

	2-13-13
Signature Superintendent/Board Secretary	Date

	2/13/13
Signature Board President	Date

MONTEREY COUNTY



COUNTY ADMINISTRATIVE OFFICE

LEW C. BAUMAN
COUNTY ADMINISTRATIVE OFFICER

168 W ALISAL ST, 3RD FLOOR
SALINAS, CA 93901-2880
(831) 755-5115
FAX (831) 757-5792
www.co.monterey.ca.us

February 19, 2013

The Honorable Marla O. Anderson
2013 Presiding Judge of the Superior Court
Superior Court of California
County of Monterey
240 Church St
Salinas CA 93901

Re: Responses to 2012 Monterey County Grand Jury Interim Final Report Nos. 4, 5, and 6

Dear Judge Anderson:

Attached please find the Monterey County Board of Supervisors responses to the 2012 Monterey County Grand Jury Interim Final Report Nos. 4, 5, and 6 and the executed Board Order. The Board of Supervisors approved the responses on February 12, 2013, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved responses should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,


Lew C. Bauman
County Administrative Officer

LCB:mbz

cc: Charles McKee, Grand Jury Liaison

Attachments: Board of Supervisors Responses for Nos. 4, 5, and 6
February 12, 2013 Board Order



Monterey County Board of Supervisors

Response to the

**2012 Monterey County Civil Grand Jury
Interim Final Report No. 4**

February 12, 2013

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I. Monterey County Overtime Expenditure	
<i>Findings F-3</i>	2
<i>Recommendations R-2, R-3, and R-6</i>	3

REPORT TITLE: Monterey County Overtime Expenditure
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-3

Finding F-3: Because the County does not request clearly defined budgeting for overtime nor provide clear reports by departments showing overtime costs, we believe the issue does not receive the regular financial scrutiny it deserves.

Response F-3: The Board disagrees partially with the finding. Department budget requests include a line item for projected overtime costs, however, prior recommended budgets did not have focused reports on overtime usage and costs by department. The County Budget Office and Budget Committee regularly reviews overtime usage within departments and agrees that providing a higher level of transparency regarding actual use of overtime will enhance the recommended budget document. The County will provide a greater level of overtime cost detail in future recommended budgets.

REPORT TITLE: Monterey County Overtime Expenditure
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-2, R-3, and R-6

Recommendation R-2: All Monterey County departments should be required to highlight their overtime in their annual budget requests.

Response R-2: The recommendation has not yet been implemented, but will be implemented in the future. While the Department budget requests already include projected costs for overtime, the County will include additional detail in the recommended budget regarding overtime budget requests.

Recommendation R-3: The County budget should show the percentage (%) of overtime versus payroll and publish this figure in the Final Budget.

Response R-3: The recommendation will not be implemented. Department budget requests include overtime costs in requested budgets, and the County will include that information in future recommended budget documents. The Final Budget is a separate document from the Recommended Budget. The Final Budget is issued in a specific format by the Auditor-Controller for reporting to the state and the format is regulated by State Controller requirements.

Recommendation R-6: The County payroll system should be modified to provide timely reporting of overtime expenditures by department, and require department heads to explain all overtime exceeding 8% of payroll on a quarterly basis to the Board of Supervisors.

Response R-6: The recommendation requires further analysis. County departments can currently retrieve reports (including overtime usage) from the payroll system including overtime after each payroll cycle. The County closely monitors department expenditures, once the budget is adopted, to be within approved revenue and expenditures appropriations. The County believes that managing critical public safety operations requires operational flexibility to meet public safety needs without undue administrative burdens. When specific overtime expenditures are anticipated to exceed budgeted appropriations, the County Budget Office has procedures in place to begin monthly or quarterly reports to the Board of Supervisors' Budget Committee toward management of the issue.



Monterey County Board of Supervisors

Response to the

**2012 Monterey County Civil Grand Jury
Interim Final Report No. 5**

February 12, 2013

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I. Salinas Valley Solid Waste Authority	
<i>Findings F-5, F-7, and F-8</i>	2
<i>Recommendations R-1, R-2, and R-5</i>	3

REPORT TITLE: Salinas Valley Solid Waste Authority (SVSWA)
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-5, F-7, and F-8

Finding F-5: The CGJ has found that Waste Management's Madison Lane Transfer Station accepts solid waste from self-haul customers. These are self-haul customers that prefer to go to this site rather than the SSTS or Johnson Canyon landfill.

Response F-5: The Board agrees with the finding. The Madison Lane Transfer Station has received up to 2,600 tons per year of solid waste from self-haul customers and the facility is permitted by the Environmental Health Division as the Local Enforcement Agency of Cal Recycle, to receive up to 500 tons of solid waste per day.

Finding F-7: The CGJ feels that SVSWA's financial decision making policies affect the well-being of many businesses in its jurisdiction. The SVSWA is not looking out for the citizens of the Salinas Valley and north east Monterey County.

Response F-7: The Board partially agrees with the finding. The SVSWA landfill fees and proposed rate increases impact residential and commercial businesses' solid waste disposal rates within the SVSWA's jurisdiction.

Finding F-8: The County's notice to withdraw from the SVSWA will put a financial burden on the remaining members of the SVSWA.

Response F-8: The Board partially agrees with the finding. A notice to withdraw, and subsequent withdrawal, should it occur, has potential to place a financial burden on the remaining SVSWA members, depending upon conditions set forth in the negotiated agreements related to withdrawal. Should the withdrawal be implemented, it would be based on the County's intent on lowering long-term solid waste disposal cost to residents and businesses in the unincorporated areas currently in the SVSWA boundaries.

REPORT TITLE: Salinas Valley Solid Waste Authority (SVSWA)
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1, R-2, and R-5

Recommendation R-1: The SVSWA should give proper notice of topics of presentation to County EHB on public meetings so that the public receives correct answers on County questions.

Response R-1: This recommendation has not yet been implemented. Noticing by the SVSWA is not within the purview of the County.

Recommendation R-2: The CGJ recommends that the staff of both SVSWA and MRWMD continue to work on the common area of interest and benefit to address waste in Monterey County to the betterment of its citizens. It is the CGJ's recommendation that a consolidation of the two agencies should occur.

Response R-2: This recommendation requires further analysis. The County is coordinating with representatives of the SVSWA member cities to consider funding a feasibility study evaluating the numerous variables of existing solid waste landfill operations, infrastructures, service levels, strategic goals and objectives of the SVSWA and the MRWMD. Additionally, managers of the SVSWA and MRWMD are actively engaging in discussions with management of the SVSWA members agencies regarding potential consolidation or further coordination between the agencies.

Recommendation R-5: The CGJ recommends that the City of Salinas and unincorporated NE Monterey County utilize the Madison Lane Transfer Station site as a self-haul and Materials Recovery Center.

Response R-5: This recommendation requires further analysis. The Madison Lane Transfer Station currently is permitted to receive 500 tons of solid waste per day, enough capacity for self-haul customers. This recommendation would require a thorough and thoughtful analysis and review of solid waste disposal and Materials Recovery options. Completion of this analysis is contingent upon participation of the SVSWA member agencies funding the feasibility study noted in the response to R-2 above.



Monterey County Board of Supervisors

Response to the

**2012 Monterey County Civil Grand Jury
Interim Final Report No. 6**

February 12, 2013

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I. Trauma in Monterey County	
<i>Findings F-1, F-2, and F-3</i>	2
<i>Recommendations R-2 and R-3</i>	3

REPORT TITLE: Trauma Care in Monterey County
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1, F-2, and F-3

Finding F-1: The Monterey County Board of Supervisors did retain a trauma system consultant who drafted a new plan, entitled the 2011 Trauma Care System Plan.

Response F-1: The Board agrees with the finding.

Finding F-2: Pursuant to this plan Monterey County has designated a Level II trauma center with a timeline for putting the facility into operation.

Response F-2: The Board agrees with the finding.

Finding F-3: This time line has been extended approximately six months.

Response F-3: The Board agrees with the finding.

REPORT TITLE: Trauma Care in Monterey County
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-2 and R-3

Recommendation R-2: There should be no further extensions of the trauma system timeline (Appendix B) and the schedule of events listed therein should be met as written.

Response R-2: The recommendation has been implemented. The County, through its EMS Agency, has informed the interested hospitals that barring any foreseen circumstances it is in the best interest for the citizens of Monterey County to adhere to the published schedule.

Recommendation R-3: If both of the potential designees, Natividad and SVMH, should withdraw their intention to go forward as a Level II trauma center, Monterey County should consider designating a Level III trauma center.

Response R-3: The recommendation has not yet been implemented, but will be considered for implementation. This issue is dependent on whether the regional hospitals submit proposals or not. In the event that the County EMS Agency does not receive a Level II trauma center proposal from any hospital in the county, the County will determine if it is in the best interest of the citizens to pursue Level III trauma center designation. The County, through the EMS Agency, will consider development of a new Trauma Care plan with designated Level III trauma facilities. An approximate timeline for implementation would be as follows:

- *Develop, write and submit to Board of Supervisors revised Trauma Plan for approval – six months*
- *Submit Board approved Trauma Plan to State for review and approval – three months*
- *Develop and post RFQ requirements of Level III Trauma Center/s – two months*
- *Review received Level III Trauma Center proposals – two months*
- *Enter into MOU agreements with hospital/s whom have qualified as Level III Trauma Center – two months*
- *Implement Level III Trauma Center system in Monterey County – six months*



Monterey County

Board Order

166 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried by those members present, the Board of Supervisors hereby:

- a. Approved responses to the 2012 Monterey County Civil Grand Jury Interim Final Report Nos. 4, 5, and 6; and
- b. Directed the County Administrative Officer to file the approved responses with the Presiding Judge of the Superior Court, County of Monterey, by March 11, 2013.

PASSED AND ADOPTED on this 12th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on February 12, 2013.

Dated: February 13, 2013
File Number: 13-0150

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy



Monterey County Office of Education

Dr. Nancy Kotowski
County Superintendent of Schools

February 20, 2013

The Honorable Marla Anderson
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

RE: Response to 2012 Monterey County Civil Grand Jury Final Report – "Monterey County Office of Education"

Honorable Judge Anderson:

All of us at the Monterey County Office of Education are honored by the results of the Monterey County Civil Grand Jury's investigation of and report on the County Office of Education.

We are at work throughout the county providing a wide array of leadership and support services for public schools, such as helping secure resources for our schools, directly serving the most special needs students, overseeing school finances of the school districts, giving teachers and administrators essential professional development opportunities for best instructional practices.

Through the Civil Grand Jury's investigation and report of findings, the public is able to learn about and be confident in the quality, cost effectiveness, and extent of the County Office of Education's services supporting our public education systems.

Below please find the Monterey County Board of Education's response to the Monterey County Civil Grand Jury Final Report – "Monterey County Office of Education." The required responses included in this correspondence address Finding Numbers F1 through F7. This response is filed in accordance with the requirements set forth in sections 933 and 933.05 of the California Penal Code.

FINDINGS OF THE INVESTIGATION

F1. The marked improvement in Monterey County schools these past five years can be attributed to the MCOE's high expectations for closing achievement gaps. The MCOE is working with the schools and teacher training programs to ensure all students are well prepared to meet the high demand of academic standards needed to succeed in life.

Response: The Monterey County Board of Education agrees with the finding.

F2. The MCOE, seeing an upcoming shortage of teachers, especially in such critical areas as special education, mathematics, and science, is putting its many resources into attracting and training highly qualified teachers.

Response: The Monterey County Board of Education agrees with the finding.

F3. The MCOE is working with all school districts to assure fiscal accountability and stewardship of the public's education dollars. The district payroll department has implemented a new Payroll Paystub Guide for school district employees. By using this service, the school districts have been able to save monies for their respective schools.

Response: The Monterey County Board of Education agrees with the finding.

F4. The threat of school violence is now addressed by schools in all Monterey County through teacher and administrator training. All school district principals have now updated emergency manuals with proper procedures and phone numbers. Most district schools now have available forms that can be filled out by students and/or parents to help report bullying. Some even have websites to report bullying or cyber-bullying.

Response: The Monterey County Board of Education agrees with the finding.

F5. The MCOE's TechMobile was the result of its obtaining a \$3.6 million grant from the U.S. Department of Commerce. This project establishes new public centers across Monterey County serving economically vulnerable populations, increases public computer access, and provides training in digital media production.

Response: The Monterey County Board of Education agrees with the finding.

F6. The MCOE's solar energy project is the first of its kind in Monterey County. The savings generated by this project will allow a reallocation of taxpayers' dollars toward critical services the agency provides in support of local public education. With Chevron Energy Solutions as a leader in solar and energy efficient projects and with its emphasis on education, this leaves a window of opportunity open for the MCOE to also receive financial benefits by tapping into additional solar energy projects for its schools.

Response: The Monterey County Board of Education agrees with the finding.

Honorable Marla Anderson
Presiding Judge of the Superior Court
February 20, 2013
Page 3

F7. The CGJ found all six of the MCOE's service departments well organized, efficient, and working diligently to provide support, guidance, training and resources for all members of Monterey County.

Response: The Monterey County Board of Education agrees with the finding.

On behalf of the Monterey County Board of Education and the Monterey County Office of Education, we thank you for the opportunity to review and comment on the findings and recommendations of the 2012 Monterey County Civil Grand Jury Final Report "Monterey County Office of Education."

Sincerely,

A handwritten signature in cursive script, reading "Nancy Kotowski".

Nancy Kotowski, Ph.D.
Monterey County Superintendent of Schools



MONTEREY COUNTY BOARD OF EDUCATION
Dr. Ray Charlson Board Chambers
Monterey County Office of Education
901 Blanco Circle - Salinas, CA 93901
Phone: (831) 755-0301

AGENDA

(Note: Agenda closes on Friday two weeks prior to the County Board's regularly scheduled meeting)
(indicates materials furnished to Board Members)*

Regular Meeting
1:30 PM
February 20, 2013

Agenda Guide

- | | |
|---------------|---|
| 1:30 PM / 7.1 | Quarterly Investment Report for Period Ending on December 30, 2012,
Mary Zeeb, Monterey County Treasurer |
| 3:30 PM / 5.1 | 2012-2013 Consolidated Application Reporting System (CARS) for Funding
Categorical Aid Programs (Winter Release), Anne Wheelis |
| 6:00 PM / | Monterey County Committee on School District Organization Public
Hearing <i>(to be held at North Monterey County Middle School,
10301 Seymour St. Castroville, CA 95012 – See Separate Agenda)</i> |

INFORMATION TO THE PUBLIC: When the Chair recognizes a member of the public for oral comment, such comment shall be three (3) minutes or less, at the discretion of the Chair. Comments will be heard at the time the subject item is addressed by the Board, or under Item 2.0.

If you will be attending a meeting and would like to request translation into a language other than English, including sign language interpretation, please notify the office at (831) 755-0301 at least 48 hours prior to the time of the meeting. In addition, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability upon written notification at least 48 hours prior to the time of the meeting. The agenda and documents in the agenda packet are available for public inspection in the Superintendent's Office located at 901 Blanco Circle, Salinas. En caso de que usted necesite ayuda en leer o en entender este aviso de Junta Pública, usted puede ponerse en contacto con la oficina del Superintendente de escuelas del condado de Monterey en 901 Blanco Circle, Salinas, o puede llamar al número (831) 755-0301, y se le traducirá este aviso.

1. Opening Business

- 1.1 Call to Order**
- 1.2 Roll Call**

Harvey Kuffner, President	Trustee Area #1
John McPherson, Vice President	Trustee Area #2
Judy Pennycook	Trustee Area #3
Francisco Javier Estrada	Trustee Area #4
Ronald Panziera	Trustee Area #5
Mary Claypool	Trustee Area #6
David Gomez Serena	Trustee Area #7
Dr. Nancy Kotowski, Secretary to the Board	

1.3 Pledge of Allegiance

1.4 Adoption of Agenda

Changes, additions (based on Board Bylaw 9322 – Provision of Emergency/Urgency), and approval of the Agenda as presented. 2/3 vote required if any item is added to the Agenda.

1.4.1 Changes to the Agenda

1.4.2 Additions to the Agenda

1.4.3 Adoption of the Agenda

RECOMMENDATION/ACTION: Dr. Nancy Kotowski

"That the Monterey County Board of Education adopts the agenda as presented."

2. Communications

2.1 Correspondence

2.2 Oral Comments from the Public *(Limited to Items not on the Agenda)*

3. Consent Agenda

(Action Items included on the Consent Agenda are to be approved by one motion unless a Board Member requests separate action on a specified item.)

RECOMMENDATION/ACTION: Dr. Nancy Kotowski

"That the Monterey County Board of Education approves the Consent Agenda as presented."

*3.1 Approval of the Minutes of the Regular Board Meeting of February 6, 2013

RECOMMENDATION/ACTION: Dr. Nancy Kotowski

*3.2 Approval of Teacher Temporary Certificates for February 20, 2013

RECOMMENDATION/ACTION: Dr. Rosa E. Coronado

*3.3 Adoption of Resolution No. 12-13-25, United States Forest Reserve Fund

RECOMMENDATION/ACTION: Dr. Nancy Kotowski

*3.4 Second Reading and Approval of Board Policy 0410, Nondiscrimination in Programs and Activities

RECOMMENDATION/ACTION: Harvey Kuffner

*3.5 Second Reading and Approval of Board Policy 5145.9, Hate-Motivated Behavior

RECOMMENDATION/ACTION: Harvey Kuffner

- *3.6 Second Reading and Approval of Board Bylaw 9011, Disclosure of Confidential/Privileged Information

RECOMMENDATION/ACTION: Harvey Kuffner

4. Unfinished Business Action Items

- *4.1 Approval of Award of Contract to BLACH Construction Inc. for Phase II of the Media Arts Modernization

RECOMMENDATION/ACTION: Joshua Jom

"That the Monterey County Board of Education approves the award of \$1,845,000 to finalize Phase II of the CTE Media Arts Modernization Project to BLACH Construction Inc., in compliance with the Board-approved Lease Lease-Back Pre-Qualified Contractors List."

5. New Business Action Items

- *5.1 2012-2013 Consolidated Application Reporting System (CARS) for Funding Categorical Aid Programs (Winter Release), Anne Wheelis, 3:30 PM

RECOMMENDATION/ACTION: Sergio Montenegro, Jr.

"That the Monterey County Board of Education approve the Consolidated Application and Reporting System (CARS) for funding Categorical Aid Programs Winter Release for 2012-2013."

- *5.2 Response to the Monterey County Civil Grand Jury Report

RECOMMENDATION/ACTION: Dr. Nancy Kotowski

"That the Monterey County Board of Education Approves the Response to the 2012 Monterey County Civil Grand Jury Final Report – "Monterey County Office of Education", as Presented."

- *5.3 Approval of Deletion of Board Policies not Supported by Education Code

RECOMMENDATION/ACTION: Harvey Kuffner

"That the Monterey County Board of Education Delete Board Policies 2210, 2220, 3110, 3300, 3310, 3350.2, 3350.3, 3350.4, 3350.5, 3400, 4030.5, 4032, 4040, 4111, 4111.1, 4221.42, 4113.4, 4115, 4116, 4117.13, 4119.25, 4119.42, 4131.5, 4131.7, 4143, 4151, 4152, 4156.2, 4157.1, 4161.8, 4219.25, 4257,

4257.5, 4300, 4315.1, 5112.2, ⁴ 5125, 5141.4, 5144, 5144.1, 5145.2, 5145.6, 6159.1, and 6162.7."

- 5.4 Changing the Time of the Regularly Scheduled Board Meeting of March 6, 2013 from 9:00 AM to 1:00 PM

RECOMMENDATION/ACTION: Dr. Nancy Kotowski

At the Pleasure of the Board

6. Unfinished Business Non Action Items

- 6.1 Board Retreat Planning Discussion

INFORMATION/DISCUSSION: Dr. Nancy Kotowski

7. New Business Non Action Items

- *7.1 Quarterly Investment Report for Period Ending On December 31, 2012, Mary Zeeb, Monterey County Treasurer, 1:30 PM

INFORMATION/DISCUSSION: Garry P. Bousum

- *7.2 Payment of Claims for January 2013

INFORMATION/DISCUSSION: Garry P. Bousum

- *7.3 Discussion of Administrative Regulation 0420.4, Review of Charter School Petitions

INFORMATION/DISCUSSION: Harvey Kuffner

8. Reports from Superintendent and/or Staff

- 8.1 Superintendent's Report

8.1.1 Report of MCOE Program Activities

8.1.2 Upcoming Events

- 8.2 Staff Reports

8.2.1 MCAET Report

*8.2.2 Facilities Update

8.2.3 General Services Department Report

9. Comments, Requests and/or Future Actions by Members of the Board

9.1 Board Members

10. Reports from Board Members

- 10.1 Legislation: Harvey Kuffner
- 10.2 Community Human Services: Harvey Kuffner
- 10.3 Sunrise House: Ronald Panziera
- 10.4 Child Abuse Prevention Council: Judy Pennycook
- 10.5 Monterey County Schools Insurance Group: David Gomez Serena

11. Staff Recognition

12. Consideration of Items for Future Meetings

- 12.1 Proposed Future Commendatory Resolutions
- 12.2 Proposed Future Agenda Items

- Charter School Oversight Funding
- Assessment of Site Water Quality Presentation
- Strategic Facility Planning
- Resolution and Presentation for Community Partnership for Youth Event Youth Volunteers
- Commending Carmel Authors and Ideas Festival / Student Literary Days Commendation
- Monterey County Board of Education Goals Update
- Cost Benefit Analysis of Providing Electronic Board Packets

13. Next Meeting Dates:

March 6, 2013 – 9 AM
 March 20, 2013 – 9 AM
(Board Retreat)

Agenda Items Due February 22, 2013
 Agenda Items Due March 8, 2013

14. Adjournment

MONTEREY COUNTY BOARD OF EDUCATION
REGULAR MEETING
FEBRUARY 20, 2013
APPROVED MINUTES

1. Opening Business

- 1.1 Call to Order: President Harvey Kuffner called the Regular Meeting of the Monterey County Board of Education to order at 1:32 PM in the Dr. Ray Charlson Board Chambers of the Monterey County Office of Education.

1.2 Roll Call

BOARD MEMBERS PRESENT:

Harvey Kuffner, President
John McPherson, Vice President
Judy Pennycook
Francisco Javier Estrada
Ronald Panziera
Mary Claypool
David Gomez Serena
Dr. Nancy Kotowski, Secretary to the Board

Trustee Area #1
Trustee Area #2
Trustee Area #3
Trustee Area #4 (*arrived at 1:36 p.m.*)
Trustee Area #5
Trustee Area #6 (*arrived at 1:36 p.m.*)
Trustee Area #7

STAFF TO SUPERINTENDENT:

Sergio Montenegro
Marci McFadden
Colleen Stanley
Hamish Tyler
Chuck Parker
Carla Stewart
Ginny Brown

GUESTS:

Mary Zeeb
Sylvia Juerta
Carlos Vega
Steve Nejasnich
Clem Donaldson
Pamela Felkey
Kevin McIntosh
Abel Moran

David Gomez Serena and Francisco Javier Estrada arrived at 1:36 p.m.

- 1.3 Pledge of Allegiance: Hamish Tyler led the Pledge of Allegiance.

- 1.4 Adoption of Agenda
Changes, additions (based on Board Bylaw 9322 – Provision of Emergency/Urgency), and approval of the Agenda as presented. 2/3 vote required if any item is added to the Agenda.

- 1.4.1 Changes to the Agenda: Dr. Kotowski requested to hear Items 8.2.1, 8.2.2, 8.2.3 after Item 4.1; and also requested to adjourn the meeting in memory of former educator John Bernardi.

- 1.4.2 Additions to the Agenda: None

- 1.4.3 Adoption of the Agenda:

MSC 12-13- 50 (5-0) Judy Pennycook, John McPherson

"That the Monterey County Board of Education adopts the agenda as amended."

David Gomez Serena and Francisco Javier Estrada arrived.

The Board then moved to Item 7.1.

2. Communications

2.1 Correspondence: None

2.2 Oral Comments from the Public *(Limited to Items not on the Agenda)*:

Sylvia Juerta spoke regarding her disagreement that the position of Director of Migrant Education was not being offered to candidates externally.

Carlos Vega also spoke regarding his disagreement that the position of Director of Migrant Education was not being offered to candidates externally.

3. Consent Agenda

(Action Items included on the Consent Agenda are to be approved by one motion unless a Board Member requests separate action on a specified item.)

David Gomez Serena pulled Item 3.3 and requested a separate vote due to a potential conflict of interest.

MSC 12-13-51 (7-0) David Gomez Serena, Mary Claypool

"That the Monterey County Board of Education approves the Consent Agenda as amended."

- 3.1 Approval of the Minutes of the Regular Board Meeting of February 6, 2013
- 3.2 Approval of Teacher Temporary Certificates for February 20, 2013
- 3.4 Second Reading and Approval of Board Policy 0410, Nondiscrimination in Programs and Activities
- 3.5 Second Reading and Approval of Board Policy 5145.9, Hate-Motivated Behavior
- 3.6 Second Reading and Approval of Board Bylaw 9011, Disclosure of Confidential/Privileged Information

3.3 Adoption of Resolution No. 12-13-25, United States Forest Reserve Fund

MSC 12-13-52 (6-0-1) Judy Pennycook, John McPherson
David Gomez Serena abstained.

"That the Monterey County Board of Education approves Consent Agenda Item 3.3 as presented."

The Board then moved to Item 8.2.1.

4. Unfinished Business Action Items

- 4.1 Approval of Award of Contract to BLACH Construction Inc. for Phase II of the Media Arts Modernization

Abel Moran from the Laborers Union stated that he is happy with BLACH Construction Inc. and their ability to utilize union skilled labor and trades in the Monterey County.

MSC 12-13-53 (7-0) Judy Pennycook, David Gomez Serena

"That the Monterey County Board of Education approves the award of \$1,845,000 to finalize Phase II of the CTE Media Arts Modernization Project to BLACH Construction Inc., in compliance with the Board-approved Lease Lease-Back Pre-Qualified Contractors List."

The Board then moved to Item 8.2.2.

5. New Business Action Items

5.1 2012-2013 Consolidated Application Reporting System (CARS) for Funding Categorical Aid Programs (Winter Release)

Anne Wheelis presented the item.

MSC 12-13-54 (7-0) Judy Pennycook, David Serena

"That the Monterey County Board of Education approve the Consolidated Application and Reporting System (CARS) for funding Categorical Aid Programs Winter Release for 2012-2013."

5.2 Response to the Monterey County Civil Grand Jury Report

Harvey Kuffner presented on behalf of Dr. Kotowski. There was discussion among the Board regarding the selection criteria for Grand Jury members.

MSC 12-13-55 (7-0) John McPherson, Judy Pennycook

"That the Monterey County Board of Education approves the response to the 2012 Monterey County Civil Grand Jury Final Report – "Monterey County Office of Education", as presented."

The Board then moved to Item 5.1.

5.3 Approval of Deletion of Board Policies Not Supported by Education Code

John McPherson left for a prior commitment.

The Board requested a spreadsheet of the policies being deleted and what policy/administrative regulation replaced them, if any.

MSC 12-13-56 (5-1) David Gomez Serena, Mary Claypool
Ron Panziera opposed.

"That the Monterey County Board of Education continue Item 5.3 to the meeting of March 6, 2013."

- 5.4 Changing the Time of the Regularly Scheduled Board Meeting of March 6, 2013 from 9:00 AM to 1:00 PM

MSC 12-13-57 (6-0) David Gomez Serena, Judy Pennycook

"That the Monterey County Board of Education change the time of the regularly scheduled meeting of March 6, 2013, from 9:00 AM to 1:00 PM."

6. Unfinished Business Non Action Items

6.1 Board Retreat Planning Discussion

The Board agreed on the date of March 20 for the Retreat. The regular Board agenda will be kept very brief, only key action items that require immediate attention, with the retreat following. Staff will check the availability of the Harden Foundation and Ag Commissioner's Office conference room.

The Board then moved to Item 7.2.

7. New Business Non Action Items

7.1 Quarterly Investment Report for Period Ending On December 31, 2012, Mary Zeeb, Monterey County Treasurer

Mary Zeeb presented a PowerPoint presentation on the Quarterly Investment Report for Period ending December 31, 2012.

The Board then moved to Item 2.

7.2 Payment of Claims for January 2013

Colleen Stanley presented the Payment of Claims.

7.3 Discussion of Administrative Regulation 0420.4, Review of Charter School Petitions

Harvey Kuffner presented and Aseneth Rodriguez-Quaid was available for questions.

The Board then moved to Item 10.

8. Reports from Superintendent and/or Staff

8.1 Superintendent's Report

- 8.1.1 Report of MCOE Program Activities
- 8.1.2 Upcoming Events

8.2 Staff Reports

- 8.2.1 MCAET Report: Hamish Tyler presented an update on MCAET. David Gomez Serena requested the Techmobile schedule and also schedule of classes offered.

The Board then moved to Item 4.1.

- 8.2.2 Facilities Update: Joshua Jom presented a Facilities Update.

Dr. Kotowski left.

- 8.2.3 General Services Department Report: Joshua Jom presented a PowerPoint presentation on the projects of the General Services Department.

The Board then moved to Item 5.2.

9. Comments, Requests and/or Future Actions by Members of the Board

- 9.1 Board Members: David Gomez Serena requested discussion on a Cinco de Mayo Resolution.

Francisco Javier Estrada and David Gomez Serena requested that Dr. Kotowski address the subject matter brought before the Board under public comment.

10. Reports from Board Members

- 10.1 Legislation: Harvey Kuffner
- 10.2 Community Human Services: Harvey Kuffner
- 10.3 Sunrise House: Ronald Panziera
- 10.4 Child Abuse Prevention Council: Judy Pennycook
- 10.5 Monterey County Schools Insurance Group: David Gomez Serena

11. Staff Recognition

12. Consideration of Items for Future Meetings

- 12.1 Proposed Future Commendatory Resolutions
- 12.2 Proposed Future Agenda Items

- Charter School Oversight Funding
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- Strategic Facility Planning
- Resolution and Presentation for Community Partnership for Youth Event Youth Volunteers
- Commending Carmel Authors and Ideas Festival / Student Literary Days Commendation
- Monterey County Board of Education Goals Update
- Cost Benefit Analysis of Providing Electronic Board Packets

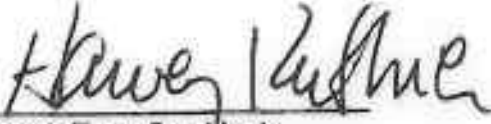
13. Next Meeting Dates:

March 6, 2013 – 9 AM
March 20, 2013 – 9 AM
(Board Retreat)

Agenda Items Due February 22, 2013
Agenda Items Due March 8, 2013

14. The meeting was adjourned at 4:40 PM in memory of John Bernardi.

Approved: March 6, 2013



Harvey Kuffner, President



Nancy Kotowski, Ph.D.,
Secretary to the Board



San Lucas

Union School District

TL

P.O. Box 310 53675 San Benito Street San Lucas, CA 93954
(831) 382-4426 Fax (831) 382-4088 <http://sanlucasusd-ca.schoolloop.com>

San Lucas School is a safe, educational environment with a proactive, collaborative staff working cohesively to provide experiential and discovery-based learning with high expectations for everyone to prepare for success in higher levels of education and in life.

March 4, 2013

Monterey County Civil Grand Jury
c/o Leslie J. Girard, Chief Assistant County Counsel
168 West Alisal Street, 3rd Floor
Salinas, CA 93901-2439

Dear Monterey County Civil Grand Jury:

Please find the following responses to the Civil Grand Jury's report entitled "One School Districts in South Monterey County".

Finding F7: The San Lucas Union School District Board of Trustees agrees with the finding of the Civil Grand Jury.

Recommendation R1: San Lucas Union District has fully utilized the State's deferred maintenance program. The District has been receiving deferred maintenance funds as well as extreme hardship deferred maintenance funds. These funds have been saved over the years of the program so that the District may embark upon a large scale modernization project. Assuming other funds required for the project are approved and released at the State level, the District will be commencing this project during the summer of 2013.

Recommendation R2: The original Head Start Program housed on the grounds of the San Lucas Union School District did not belong to the school. This program was run by the Migrant Education Program through the Monterey County Office of Education. The building referred to in Finding F7 does not belong to the District either but belongs to Migrant Education. The Board of Trustees fully agrees with the Civil Grand Jury on the need for the pre-school program to be reopened. The Board encourages the Migrant Education Program to consider this action when funding allows. In the meantime, the District will continue to research possible pre-school funding sources so the District may be able to operate a pre-school program of its own.

Recommendation R3: San Lucas Union School District is pleased to report this recommendation has been implemented since the time of the Civil Grand Jury's visit. The District has had in place a remediation program during the regular instructional day for approximately five years. This program entails one and a half credentialed teachers employed to work closely with homeroom teachers to meet the needs of struggling learners. For the 2012/2013 school year, the District has implemented

additional after school tutoring opportunities for student who need extra assistance. Three days per week targeted students work with teachers after school on core subject areas with which they need assistance. Other students are enrolled in either in-school or at-home Supplemental Educational Services. The District feels these added measures provide ample opportunity for students to attain the extra help needed. The Board of Trustees welcomes any additional assistance available through the Monterey County Office of Education.

Recommendation R8: San Lucas Union School District maintains an active, current, and informative website. The Superintendent/Principal updates the general information and District information on a regular basis.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicole Hester", followed by a long horizontal flourish.

Nicole Hester
Superintendent/Principal
San Lucas Union School District

TR

OFFICE OF THE SHERIFF MONTEREY COUNTY, CALIFORNIA

April 3, 2013

The Honorable Maria Anderson
Presiding Judge of the Superior Court
County of Monterey
240 Church St
Salinas, CA 93901

**RE: Sheriff's Office Response to the 2012 Civil Grand Jury Final Report:
"Detention Facilities Inspections."**

Dear Presiding Judge Anderson:

Please accept the attached response to the 2012 Civil Grand Jury Final Report:
"Detention Facilities Inspections," which is supplied pursuant to Penal Code Section 933.
What follows are my specific responses to Findings F-1 and F-2, as well as
Recommendations R-1, R-2, R-4 and R-5 found in the section entitled "Monterey County
Jail."

Response to Findings:

F-1: The County Jail is suffering a condition of gross over-crowding. This situation is primarily caused by the increased incarceration of serious offenders and the additional population resulting from implementation of AB 109.'

Response: We disagree partially with this finding. While the Monterey County Jail far exceeds its rated capacity, we cannot state categorically that this situation is primarily caused by the implementation of AB 109. Historic inmate populations over the years often exceeded the current inmate totals, prior to AB 109. We do believe that future inmate totals will be significantly exacerbated due to AB 109 until rehabilitative programs, along with alternatives to incarceration, begin to show improved results.

R-5: *"The County Jail expansion should move forward and be completed as soon as possible, as the longer the delay the greater the chance that when completed the jail expansion will not adequately house the anticipated jail population increase."*

Response: This recommendation was implemented last September when we received the funding for the jail expansion. We are moving the project along as fast as government allows. We are also doing our best to implement evidence-based practices, in conjunction with our Community Corrections Partners, to reduce the need for expanded jail capacity in future years. We remain cautiously optimistic at our chances.

In closing, I would like to add that the 2012 Civil Grand Jury never contacted me on any of these issues. I encourage future Civil Grand Juries to exercise their initiative to explore these important issues at a greater depth than depicted in the current work product. Many of the holes in the logic of these recommendations and findings could be plugged with a little more due diligence. This was evident throughout this and previous reports issued by this Jury.

I maintain confidence in the work that can be done through the Civil Grand Jury process when competence and enthusiasm for the work are applied.

Please feel free to contact me with any questions or comments,

Sincerely,

A handwritten signature in cursive script that reads "Scott Miller". The signature is written in dark ink and is positioned above the typed name.

Scott Miller, Sheriff/Coroner
Monterey County, CA



Chualar Union Elementary School District

Post Office Box 188 Chualar, CA 93925-0188

Office: (831) 679-2504 Fax: (831) 679-2071

April 24, 2013

The Honorable Maria O. Anderson
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Anderson:

Pursuant to Penal Code section 933 *et seq.*, please consider this letter as the Chualar Union School District Board of Trustees' ("Board") formal response to the 2012 Monterey County Civil Grand Jury Final Report ("Final Report"), published on February 4, 2013.

A portion of the Final Report addresses issues related to six one-school districts in South Monterey County: Bradley Union School District, Chualar Union School District, San Antonio Union School District, San Ardo Union School District, San Lucas Union School District, and Mission Union School District.

With respect to Chualar Union School District (the "District"), the Final Report includes three Findings and three Recommendations that require a response from the District. Each of the Findings and Recommendations directed to the District are addressed below in the order presented in the Grand Jury's Final Report.

This Response was approved by the Board on April 24, 2013.

FINDINGS

Finding No. F5: "The CGJ [Civil Grand Jury] found that due to budget cuts to the state's deferred maintenance program most of the renovation and modernization plans of the schools have not been completed and have been put on hold until after the election."

Response: Agree—With Clarification.

Background

Funding for school district operation comes primarily from two sources: (1) per student revenue based on average daily attendance ("ADA"); and (2) "categorical funding" for specialized programs. Categorical funding pays for programs including gifted and talented education, some types of professional development, and deferred maintenance.

The Deferred Maintenance Program (DMP) provides State funds to school districts to fund major repair or replacement of existing school building components, including roofing, plumbing, heating, air conditioning, electrical systems, wall systems, and floor systems.

The State also provides school districts with funding for new school construction and modernizations projects through its School Facility Programs (SFP). Under the SFP, new school construction projects are funded on a state/local 50/50 matching funds basis. Program eligibility is based on a district's need to house pupils and other criteria. Modernization projects are funded on a state/local 60/40 matching funds basis for improvements to school facilities such as air conditioning, plumbing, lighting, and electrical systems. A third program provides funding to rehabilitate or replace school facilities "when it is demonstrated that there is a clear and imminent threat to the health and safety of students" due to the condition or lack of school facilities. Eligible replacement projects are funded on a state/local 50/50 matching funds basis, while rehabilitation grants are funded at a state/local 60/40 matching funds basis (See An Overview of the State School Facility Programs, at <http://www.dgs.ca.gov/opsc/Programs.aspx>).

In 2009, the Legislature amended Education Code section 42605 to allow school districts, for years 2008-2009 through 2012-2013, to transfer all or a portion of their categorical funding—including funding received through the Deferred Maintenance Program—to the districts' general funds to bridge the gap between reduced ADA revenue and the resources necessary to operate. This ability to transfer categorical funds to the general fund is commonly referred to as "flex funding." However, the ability to flex categorical funding came at the cost of additional cuts to school funding overall. With regard to the Deferred Maintenance Program, the 2009 Budget Act set a funding baseline for the program through 2012-2013 using the 2008-2009 funding amounts and suspended funding for new extreme hardship projects. (See Office of Public School Construction: Deferred Maintenance Program, at <http://www.dgs.ca.gov/opsc/Programs/deferredmaintenanceprogram.aspx>)

The Governor's budget for 2013-2014 proposes to radically restructure the manner in which K-12 funding is distributed. Under the proposed new Local Control Funding Formula, K-12 revenue limits and categorical programs would be consolidated into one funding formula that distributes funding in the form of base grants and supplemental grants. The new funding formula would be phased in over several years. The proposed Budget also makes significant changes to the Deferred Maintenance Program and the School Facility Program. While permanent funding flexibility is proposed for deferred maintenance and routine restricted maintenance funding, the Budget reflects that state bond authority will be exhausted in 2012-2013 for new construction and modernization programs. As a result, the Office of Public School Construction will no longer process applications for new construction or modernization projects. Two bills (Senate Bill 45 and Assembly Bill 41) were introduced this legislative session that propose to place a statewide education facilities bond on an upcoming ballot. However, in light of uncertainty of the proposed legislation and the impact of the Governor's proposed budget, the future of school facilities funding is unclear.

District Deferred Maintenance

Like many districts feeling the effects of years of budget cutbacks, the District has found it necessary to "flex" some of its categorical funding—including Deferred Maintenance—to cover other critical programming. However, each year, the District carefully assesses the condition of its facilities, and sets aside sufficient funds to ensure its facilities are maintained in a clean, safe, and secure manner. For the 2012-2013 and 2013-2014 school years, the District has allocated approximately \$27,000 for painting and other deferred maintenance projects, including the repair and replacement of broken windows, damaged flooring materials, broken heaters, thermostats, fire alarms, and school lighting.

District Modernization and Renovation

In or around 2010, the District began working informally with a facility consulting firm to develop a school facility needs assessment and master plan and determine the District's preliminary eligibility for new construction, modernization, and hardship funding, from the State. As part of the planning process, the

District held several public meeting with staff, parents, and other community stakeholders. However, the District's ability to move forward on any renovation and modernization projects has been effectively stalled by a lack of required funding needed to match the State's contribution to any new construction or modernization projects. Moreover, as discussed above, adoption of the Governor's proposed Budget for 2013-2014 is expected to effectively suspend funding for most facilities programs. Thus, the outlook for the renovation or modernization of District facilities remains unclear.

***Finding No. F6:** While attending a school board meeting at Chualar School, the CGJ observed two third grade teachers requesting needed dictionaries and maps for their classrooms.*

***Response:** Agree.*

The District agrees that two third-grade teachers made a request for dictionaries and maps at a meeting of the Board of Trustees observed by members of the Monterey County Civil Grand Jury. As discussed in the Recommendations portion of this Response, the teachers' requests have been addressed.

***Finding F10:** The CGJ recognizes that all six schools have a website, but the information and content varies, with some schools providing more up to date information and activities and others with out of date and incomplete information.*

***Response:** Agree.*

As discussed in greater detail in the Recommendations portion of this Response, the District contracted with a technology consultant through the Monterey County Office of Education during the 2011-2012 school year to design a new website. Although the website design and implementation process is ongoing, the District was able to launch its new website in September 2012.

RECOMMENDATIONS

***Recommendation No. R1:** The CGJ recommends that all six school districts continue to pursue the reinstatement of the state's deferred maintenance program to obtain funds needed to complete their renovations and modernization projects.*

***Response: Implemented.** At a regular meeting of the District's Board of Trustees on April 24, 2103, the Board approved a letter drafted by the Superintendent/Principal on the Board's behalf, addressed to local and State legislators urging that the State increase funding for the Deferred Maintenance Program and resume funding new construction, modernization, and renovation for the School Facility Programs overseen by the State Allocation Board. Copies of the Board's letters addressed to legislators and state officials are attached to this Response.*

The District remains committed to providing students with a safe, clean, and secure learning environment, and looks forward to moving ahead with modernization and renovation of its facilities as future funding becomes available and budget priorities allow.

***Recommendation No. R4:** The CGJ recommends that the Superintendent/Principal of Chualar School review the materials and textbook budget and provide the needed dictionaries and maps to the third grade classrooms.*

Response: Implemented. On or about September 28, 2012, the District placed an order for children's dictionaries for all of its classrooms. The order was delivered on October 17, 2012. Following delivery, picture dictionaries published by Dorling Kindersley (DK) were distributed to all of the District's K through 3rd grade classrooms, while the District's 4th through 8th grade classes received grade-appropriate children's dictionaries published by MacMillan.

In addition, District Superintendent Roberto Rios and Academic Coach Ellen Ferguson met with the District's third grade teachers in order to clarify exactly the type and number of classroom maps they were requesting for their classrooms. Based on their discussions, the District approved providing classroom globes and grade-level appropriate poster-sized wall maps to each of the third grade classrooms.

Recommendation R8: *The CGJ recommends all six schools maintain an active, current, informative web site.*

Response: Implemented. During the 2011-2012 school year, the District contracted with Martin Cisneros, Coordinator/Administrator for Educational Technology and ELL Resources with the Monterey County Office of Education ("MCOE") to design and launch a new District website and to update the District's wired infrastructure and learning management tools to meet the upcoming Common Core literacy and technology standards, set for statewide implementation in 2014. Together with Lorena Cortez, the District's Special Projects Coordinator and Margareta Sanchez, Computer Lab Technician, Mr. Cisneros developed the structure of the new District website using Squarespace, a flexible web content management system. The new District website, which can be accessed at: <http://www.chualarusd.org>, was launched in September 2012. The redesigned website provides updated information concerning District events and activities including: a school calendar, testing information, contact information for District personnel and Board members, and information concerning District departments and educational programs. The new District website also includes a translator feature on the District website, to enable non-English speaking parents and community members to access the website in a language selected via use of a pull-down menu.

Mr. Cisneros is providing ongoing training and support in the use of the Squarespace Editor to Ms. Cortez and Ms. Sanchez, allowing District staff to easily update and maintain the website. Mr. Cisneros and District staff are also working to develop and integrate individual web pages for each District teacher into the Squarespace platform. Once activated, teachers will be able to post and receive homework assignments, questions, and information to/from students and parents on their web pages.

Sincerely,



Roberto Rios, Superintendent

Board Approved: April 24th, 2013



Chualar Union Elementary School District

Post Office Box 188 Chualar, CA 93925-0188

Office: (831) 679-2504 Fax: (831) 679-2071

April 24, 2013

Assembly Member Luis A. Alejo
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0030

100 West Alisal Street, Suite 134
Salinas, CA 93901

Dear Assembly Member Alejo:

On behalf of the Chualar Union Elementary School District ("District") Board of Trustees, this letter is submitted to urge your support of state funding to school districts for school facility deferred maintenance needs. Since the inception of the state's Deferred Maintenance and School Facility Programs, these funding sources have been critical to ensuring that school districts throughout the state receive financial assistance for purposes of constructing, modernizing, and maintaining school facilities. These programs help to ensure that adequate and safe public school facilities are provided for students.

Due to decreases in state funding and bonding capacity, these programs are currently unable to provide adequate financial support to school districts. The District, like other school districts in the state, is significantly restricted in its ability to carryout deferred maintenance projects as a result of the lack of sufficient state funding. As a single school district, the District operates on a particularly restricted budget, and while the District continues to diligently allocate funds for general facility maintenance and repair, greater funding is required to accomplish significant deferred maintenance projects for long term school facility needs.

The District is cognizant of the economic constraints on state funding and the potential effect of the Governor's proposed budget on the state's Deferred Maintenance and School Facility Programs. However, the District requests your support of sufficient state funding appropriations for the ongoing deferred maintenance and general school facility needs of districts like ours.

Sincerely,

Roberto Rios, Superintendent



Chualar Union Elementary School District

Post Office Box 188 Chualar, CA 93925-0188

Office: (831) 679-2504 Fax: (831) 679-2071

April 24, 2013

Mr. Tom Torlakson
State Superintendent of Public Instruction, Department of Education
State Allocation Board Member
1430 N Street, Suite 1201
Sacramento, CA 95814

Dear Mr. Torlakson:

On behalf of the Chualar Union Elementary School District ("District") Board of Trustees, this letter is submitted to urge your support of state funding to school districts for school facility deferred maintenance needs. Since the inception of the state's Deferred Maintenance and School Facility Programs, these funding sources have been critical to ensuring that school districts throughout the state receive financial assistance for purposes of constructing, modernizing, and maintaining school facilities. These programs help to ensure that adequate and safe public school facilities are provided for students.

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Sincerely,

Roberto Rios, Superintendent



Chualar Union Elementary School District

Post Office Box 188 Chualar, CA 93925-0188

Office: (831) 679-2504 Fax: (831) 679-2071

April 24, 2013

Senator Anthony Cannella
State Capitol, Room 3048
Sacramento, CA 95814

369 Main Street, Suite 208
Salinas, CA 93901

Dear Senator Cannella:

On behalf of the Chualar Union Elementary School District ("District") Board of Trustees, this letter is submitted to urge your support of state funding to school districts for school facility deferred maintenance needs. Since the inception of the state's Deferred Maintenance and School Facility Programs, these funding sources have been critical to ensuring that school districts throughout the state receive financial assistance for purposes of constructing, modernizing, and maintaining school facilities. These programs help to ensure that adequate and safe public school facilities are provided for students.

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The District is cognizant of the economic constraints on state funding and the potential effect of the Governor's proposed budget on the state's Deferred Maintenance and School Facility Programs. However, the District requests your support of sufficient state funding appropriations for the ongoing deferred maintenance and general school facility needs of districts like ours.

Sincerely,

Roberto Rios, Superintendent



Chualar Union Elementary School District

Post Office Box 188 Chualar, CA 93925-0188

Office: (831) 679-2504 Fax: (831) 679-2071

April 24, 2013

Ms. Ana J. Matosantos
Department of Finance, Director
State Allocation Board, Chair
State Capitol, Room 1145
Sacramento, CA 95814

Dear Ms. Matosantos:

On behalf of the Chualar Union Elementary School District ("District") Board of Trustees, this letter is submitted to urge your support of state funding to school districts for school facility deferred maintenance needs. Since the inception of the state's Deferred Maintenance and School Facility Programs, these funding sources have been critical to ensuring that school districts throughout the state receive financial assistance for purposes of constructing, modernizing, and maintaining school facilities. These programs help to ensure that adequate and safe public school facilities are provided for students.

Due to decreases in state funding and bonding capacity, these programs are currently unable to provide adequate financial support to school districts. The District, like other school districts in the state, is significantly restricted in its ability to carry out deferred maintenance projects as a result of the lack of sufficient state funding. As a single school district, the District operates on a particularly restricted budget, and while the District continues to diligently allocate funds for general facility maintenance and repair, greater funding is required to accomplish significant deferred maintenance projects for long term school facility needs.

The District is cognizant of the economic constraints on state funding and the potential effect of the Governor's proposed budget on the state's Deferred Maintenance and School Facility Programs. However, the District requests your support of sufficient state funding appropriations for the ongoing deferred maintenance and general school facility needs of districts like ours.

Sincerely,

Roberto Rios, Superintendent

MONTEREY COUNTY

COUNTY ADMINISTRATIVE OFFICE

LEW C. BAUMAN
COUNTY ADMINISTRATIVE OFFICER

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April 24, 2013

The Honorable Marla O. Anderson
2013 Presiding Judge of the Superior Court
Superior Court of California
County of Monterey
240 Church St
Salinas CA 93901

**Re: Response to 2012 Monterey County Civil Grand Jury Final Report – Detention
Facilities Inspections**

Dear Judge Anderson:

Attached please find the Monterey County Board of Supervisors response to the 2012 Monterey County Civil Grand Jury Final Report – Detention Facilities Inspections and the executed Board Order. The Board of Supervisors approved the response on April 23, 2013, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,


Lew C. Bauman
County Administrative Officer

LCB:moz

Attachments: Board of Supervisors Response; Board Order

cc: Charles McKee, Grand Jury Liaison



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Approved amended response to the 2012 Monterey County Civil Grand Jury Final Report - Detention Facilities Inspections; and
- b. Directed the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by May 4, 2013.

PASSED AND ADOPTED on this 23rd day of April 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on April 23, 2013.

Dated: April 24, 2013
File Number: 13-0413

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By

Deputy



Monterey County Board of Supervisors

Response to the

2012 Monterey County Civil Grand Jury
Final Report – Detention Facilities
Inspections

April 23, 2013

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REPORT TITLE: Detention Facilities Inspections: Monterey County Jail
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1 and F-2

Finding F-1: The County Jail is suffering a condition of gross over-crowding. This situation is primarily caused by the increased incarceration of serious offenders and the additional population resulting from implementation of AB 109.

Response F-1: The Board disagrees partially with the finding. The Monterey County Jail inmate population exceeds the rated capacity. Historically, inmate population has fluctuated somewhat but has exceeded the rated capacity. At same periods prior to AB 109, the prison population exceeded current levels, so it is difficult to draw a correlation between current inmate population and AB 109. It is anticipated, however, that future inmate populations will increase due to AB 109 until the effects of treatment and rehabilitative programs are more widely realized.

The jail population might exceed the rated capacity by an even larger amount if it were not for a variety of programs which have been put in place by County criminal justice partners. These include:

- Expansion of the Court approved Sheriff's Own Recognizance (OR) release policy
- Implementation of a pre-trial services program
- Implementation of an involuntary electronic monitoring program
- Reinstitution of the placements program for residential treatment related to substance abuse
- Implementation of a probation custody alternative sanctions program
- Expansion of the Adult Day Reporting Center
- Expansion of the work alternative program eligibility criteria
- Expansion of the supervised home confinement program eligibility criteria

In addition, the County provides a variety of programs designed to reduce the recidivism rate such as criminogenic risk and needs assessments and psycho-social assessments related to drug/alcohol treatment as well as personal, educational and career counseling. This is not an exhaustive list.

Finding F-2: The inmate population differs from that intended to be housed in the facility. The bulk of the inmates are medium to high security risks and are incarcerated prior to trial.

Response F-2: The Board agrees with the finding.

REPORT TITLE: Detention Facilities Inspections: Monterey County Jail
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1, R-3, R-4, and R-5

Recommendation R-1: The Sheriff's Office and the Probation Department should encourage Superior Court Judges to hand down more blended sentences, thus shortening the actual time the low-level offender would be housed in county jail.

Response R-1: The recommendation will not be implemented. Superior Court judges are independently responsible for sentencing in accordance with the law; however, we note that Probation and local Courts attended training on evidence-based sentencing organized by the Administrative Office of the Courts (AOC). Probation and the Superior Courts are working together on a revised presentence investigation report to align terms and conditions with criminogenic needs, and to determine the appropriateness of sentencing options, including blended sentences.

Recommendation R-3: The Probation Department should establish a unit to investigate and screen arrested individuals to aid the court in determining candidates for their own recognizance or reduced bail release from county jail pending trial.

Response R-3: The recommendation has been implemented. Probation has created and staffed the new Pretrial Services Unit in its Adult Division.

Recommendation R-4: The County should agree to transfer a sufficient number of prisoners to other counties that have available space, where the cost of such transfer would be less than the cost of housing them in the Monterey County Jail.

Response R-4: This recommendation requires further analysis. The Sheriff has independent authority to transfer prisoners and manage jail populations within approved budget appropriations. The cost of housing prisoners in other counties includes consideration of contract housing costs, transportation costs, and other considerations including distance from legal representation and family members.

REPORT TITLE: Detention Facilities Inspections: Monterey County Jail
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1, R-3, R-4, and R-5

Recommendation R-5: The County Jail expansion should move forward and be completed as soon as possible, as the longer the delay the greater the chance that when completed the jail expansion will not adequately house the anticipated jail population increase.

Response R-5: The recommendation has been implemented. The Board agrees that the proposed jail expansion is a top priority in the County's capital improvement plan and will be expedited pursuant to state grant requirements, including environmental review, followed by design and construction. The County has obtained an AB 900 jail construction grant award in the amount of \$36.3 million. The required local match of \$4 million has been set aside in County Budget Fund 404. This grant award will allow for jail expansion totaling 288 additional beds.

REPORT TITLE: Detention Facilities Inspections: Juvenile Hall
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1, F-2, and F-3

Finding F-1: The case management system is basically a data pool. It is being used to report probation information to various other agencies and for in-house use.

Response F-1: The Board partially disagrees with the finding. The new Case Management System (CMS) is not only a database which functions as a central repository for data and documents, with reporting features and data exchange capabilities, but a complete client management system to manage workloads and performance standards, standardize practices, and customize interventions based on criminogenic needs.

Finding F-2: In its present form, the system is reactive. That is, it is being used to gather information. It is used as a statistical tool and not as a proactive management tool to forecast, predict and provide recidivism rates among and between various programs.

Response F-2: The Board disagrees with the finding. The CMS has been implemented recently and with very good progress, through the creative use of limited existing resources, and in spite of new mandates and workloads, such as Public Safety Realignment (AB109). Naturally, the CMS is used to gather and report or share information. In addition, the CMS is used to: a) track completion of probation; b) monitor program outcome data; c) administer a risk and need assessment tool integrated with a case plan; d) optimize use of resources through case classification; e) standardize supervision practices; and f) customize interventions for probation violations to the individual criminogenic needs of adult offenders. The same features are in progress for juvenile offenders. This is in accordance with evidence-based practices validated by research.

Finding F-3: The system could provide that information, but currently is not being used for that purpose.

Response F-3: The Board partially disagrees with the finding. The CMS is already used to gather and report information and compare results between youth in programs and a control group for specific programs. More time is needed to collect data that can be referenced across years, offender type, or programs. These proactive utilizations of the new CMS will be ongoing, and more core elements will be completed in the coming year.

REPORT TITLE: Detention Facilities Inspections: Juvenile Hall
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendation R-1

Recommendation R-1: The Probation Department should shift to a proactive use of the case management system, to trace program progress and repeat offender data.

Response R-1: The recommendation is partially implemented and efforts are ongoing. The new CMS is a robust, flexible, unified system for all department operations, and was selected after rigorous research and evaluation. Probation is now engaged in a long-term project to ensure that data is collected, tracked and reported to measure outcomes, including program outcomes and repeat offenses.

REPORT TITLE: Detention Facilities Inspections: Youth Center
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1 and F-2

Finding F-1: The ten 2011 escapes were enabled by lax custodial supervision, inadequate procedures and/or improper facility design or structure. Youth Center administrators, realizing these deficiencies have taken action to avoid such future escapes.

Attached hereto as Appendix A is a list of Youth Center procedural and structural changes.

Response F-1: The respondent agrees with the finding. All procedures identified in Appendix A have been implemented.

Finding F-2: The 2012 escape occurred as a result of the unanticipated assistance of an outside accomplice. As a consequence thereof a member of the Youth Center will inspect the complete perimeter of the recreation yard before a pod of juveniles are released into the yard. Further, independent checks of the perimeter fencing will be made at least four times per day and night. All inspections will be written in a log.

Response F-2: The respondent agrees with the finding. Probation expedited the implementation of identified security measures, including routine inspections of perimeter fencing and recreation yard.

REPORT TITLE: Detention Facilities Inspections: Youth Center
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1 and R-2

Recommendation R-1: The procedures listed on Appendix A should be examined and continued if found to be effective.

Response R-1: The recommendation has been implemented.

Recommendation R-2: The structural changes listed in Appendix A should be completed as soon as possible.

Response R-2: The recommendation has been implemented as priority project.

MONTEREY COUNTY

COUNTY ADMINISTRATIVE OFFICE

LEW C. BAUMAN
COUNTY ADMINISTRATIVE OFFICER

168 W ALISAL STREET 3RD FLOOR
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RECEIVED

MAR 22 2012

SALINAS-ADMIN



March 22, 2012

The Honorable Timothy P. Roberts
2011 Presiding Judge of the Superior Court
Monterey County Superior Court
240 Church St
Salinas CA 93901

Re: Response to 2011 Monterey County Grand Jury Final Report

Dear Judge Roberts:

Attached please find the Monterey County Board of Supervisors response to the 2011 Monterey County Grand Jury Final Report and the signed Board Order. The Board of Supervisors approved the response on March 20, 2012, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,


Lew C. Bauman
County Administrative Officer

LCB:mbz

cc: Charles McKee, Grand Jury Liaison

Attachments: Board of Supervisors Response
March 20, 2012 Board Order

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

- a. Consider approval of the response to the 2011)
Monterey County Grand Jury Final Report; and)
- b. Direct the County Administrative Officer to file)
the approved response with the Presiding Judge)
of the Superior Court, County of Monterey, by)
April 8, 2012.)

Upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried by those members present, effective March 20, 2012, the Board hereby:

- a. Considered approval of the response to the 2011 Monterey County Grand Jury Final Report with amendments as follows **On page 4 of 12, Response F-3 – Add the following sentences at the end of the paragraph: “Additionally because fresh fruit and vegetables are critical to health, the County promotes fruit and vegetable consumption by supporting policies that make it easier for CalFRESH users to purchase nutritious foods. The County heavily promotes the Fundamentally Fresh program that provides additional funds to CalFRESH users who shop at certain farmers’ markets and has succeeded in ensuring that nearly all farmers’ markets accept EBT for payment.”; On page 5 of 12, Response F-7 – middle of second paragraph: Modify sentence to read: “This program is an important resource for assuring access to healthcare for the minor(s) ~~and, when they are pregnant, their unborn child~~”; and on the bottom of page 7 of 12, Response F-7 – Modify sentence to now read: “The Department of Social and Employment Services recognizes that teen ~~sexuality is deeply problematic~~ sexual activity can be risky and problematic; yet must deal with the reality of its presence in the community”; and**
- b. Directed the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by April 8, 2012.

PASSED AND ADOPTED on this 20th day of March 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on March 20, 2012.

Dated: March 21, 2012

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Dennis Hancock*
Deputy



Monterey County Board of Supervisors

Response to the

2011 Monterey County Grand Jury
Final Report

March 20, 2012

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REPORT TITLE: Jail and Detention Inspections
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-2 and F-3

Finding F-2: *The Probation Department case management system currently in use for juveniles and youths reportedly is inadequate to track and measure the success of the various intervention programs and first-time offender programs. An improved system is anticipated before the end of 2011.*

Response F-2: The respondent agrees with the finding.

Finding F-3: *There have been three recent incidents of security breaches at the Youth Center.*

Response F-3: The respondent agrees with the finding.

REPORT TITLE: Jail and Detention Inspections
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-2 and R-3

Recommendation R-2: *The Monterey County Probation Department should evaluate the function and performance of the new case management system and assure its ability to receive input on and retrieve data tracking juveniles participating in intervention and first-time offender diversion programs. [Related Finding: F-2]*

Response R-2: The recommendation has been implemented. The juvenile and institutions components of the new Case Management System (CMS) went live in November 2011. This is a robust, unified system which covers all department operations, and was selected after rigorous research and evaluation. The Department is now engaged in a long-term project to ensure that data is collected, tracked and reported to measure program outcomes.

Recommendation R-3: *Current security policies and procedures may not be adequate and should be re-evaluated. [Related Finding: F-3]*

Response R-3: The recommendation has been implemented. The Department has: a) evaluated and modified the Youth Center's policies and procedures to strengthen internal security; b) taken appropriate personnel actions; and c) made structural improvements to further secure and strengthen the facility.

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1 through F-7

Finding F-1: *There are active efforts to reach out and recruit applicants for the benefits programs, and Eligibility Workers are encouraged to be pro-active in helping applicants qualify for enrollment in these programs. This raises the possibility of some applications being fraudulent.*

Response F-1: The respondent partially disagrees with this finding.

The Department of Social and Employment Services staff actively reach out to the community to support those who are needy and potentially eligible in the application process. Eligibility Workers are directed to support applicants in understanding and following through with eligibility requirements. The MC-CHOICE Outreach Program was initiated in an effort to address under-utilization of benefits in Monterey County.

According to a recent report from The California Food Policy Advocates addressing food insecurity, in 2010 only 1/3rd of Monterey County residents whose income is under eligibility thresholds are enrolled in the CalFresh program (<http://cfpa.net/GeneralNutrition/CFPAPublications/CountyProfiles/2010/CountyProfile-Monterey-2010.pdf>). According to the California Health Interview Survey conducted by UCLA, in 2009 approximately 8.6% of uninsured County residents under age 65 would have been eligible for Medi-Cal had they applied. The MC-CHOICE Outreach Program is a critical tool to address the health and nutrition challenges that result from under-access and under-utilization of available public benefits.

The Grand Jury's finding is contraindicated by the high levels of accuracy achieved by Monterey County Department of Social and Employment Services as measured through the State Quality Control System. As the Grand Jury notes in their narrative, Monterey County Department of Social Services achieves 98% accuracy and is in the top 10% of the counties in achieving accuracy. There is no data to support the Grand Jury's statement that outreach "raises the possibility of some applications being fraudulent."

Finding F-2: *Application processing needs improvement to maintain efficiency ratings and avoid the need for overtime hours.*

Response F-2: The respondent partially disagrees with this finding.

Monterey County Department of Social and Employment Services uses C-IV, a state of the art automated eligibility system. The Department has implemented several improvements in application flow over the past several years and is continuously working to maximize efficiency. Monterey County prioritizes timeliness in eligibility determinations and is successful in achieving this in almost all cases.

However, it is important to note that the State of California's allocations for funding eligibility work in CalFRESH and CalWORKs are based on costs for salaries, benefits, facilities, etc. as they stood in FY 2000-01; in Medi-Cal the funding allocations only incorporate these costs as they stood in FY 2007-08. Like all jurisdictions across the State,

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1 through F-7

Monterey County's expenditures for these operational costs have gone up even though the State's calculation of available funding has not recognized the increases. As a result, the Department of Social and Employment Services has had to absorb greater workload without adding a commensurate number of Eligibility Workers and has needed to authorize overtime. The Department of Social and Employment Services closely monitors overtime usage and authorization.

The Department welcomes and advocates for state policy and funding reforms to simplify eligibility, improve automated systems and fund current costs of doing business.

Finding F-3: *The orientation for new cardholders at Community Benefits does nothing to promote the intended use for purchasing fresh, nutritious foods.*

Response F-3: The respondent agrees with this finding.

The orientation for new CalFresh recipients is intended to inform recipients of program requirements, their rights and responsibilities. Adding more material to the orientation would reduce the program's efficiency and result in the need for additional overtime. The Department of Social and Employment Services will work with the Health Department to identify additional written material that can be distributed during orientation sessions. Additionally because fresh fruit and vegetables are critical to health, the County promotes fruit and vegetable consumption by supporting policies that make it easier for CalFresh users to purchase nutritious foods. The County heavily promotes the "Fundamentally Fresh" program that provides additional funds to CalFresh users who shop at certain Farmers Markets, and has succeeded in ensuring that nearly all Farmers Markets accept EBT cards for payment.

Finding F-4: *ATMs charge a premium for EBT card usage. Little or no training is provided to recipients to avoid excessive fees and charges.*

Response F-4: The respondent agrees with this finding.

The orientation for new CalFresh recipients is intended to inform recipients of program requirements, their rights and responsibilities. Adding more material to the orientation would reduce the program's efficiency and result in the need for additional overtime; however, the Department of Social and Employment Services will add a reminder to customers that many ATMs charge a fee for cash withdrawals and that direct deposit is an alternative.

Finding F-5: *Some ATMs that accept EBT cards in Monterey County are in locations inconsistent with the intent of the Cal-Works program.*

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1 through F-7

Response F-5: The respondent agrees with this finding.

Since publication of the Grand Jury's report, the Department worked with the State of California to discontinue the ATM that offered EBT access at the Monterey County Race Place. It is important to note that the authorization of ATMs with EBT access is managed by the State of California not local counties.

Finding F-6: *The Minor Consent Program does not interfere with the responsibility of mandated reporters to report suspected abuse.*

Response F-6: The respondent agrees with this finding.

All Eligibility Workers are given training on mandated reporting responsibilities and laws.

Finding F-7: *Eligibility Workers and medical professionals apparently under-report suspected sexual abuse.*

Response F-7: The respondent disagrees wholly with this finding.

The Grand Jury reaches a conclusion in this finding that is contrary to law and internally inconsistent with the material referenced in its analysis. The Grand Jury accurately cites California Minor Consent and Confidentiality laws in their appendices B and C. However an understanding of these laws is not reflected in the discussion on mandated reporting, in the findings and in the recommendations.

Medi-Cal Minor Consent is a program provided for through California's Medi-Cal program and the County is required under law to administer eligibility for this valuable resource. The program provides an option for youth facing difficult life circumstances who in the absence of this program would otherwise be at risk for not seeking treatment. This program is an important resource for assuring access to health care for minors. It also provides youth with access to a trained health professional with whom they can confidentially address issues of abuse and assault when necessary. In 2010, the Health Department reported 285 births to teen parents under 18 years old – 4.3% of all births. Only half the mothers under 18 accessed prenatal care timely, the rest accessed it either late (after the first trimester) or not at all. The Medi-Cal Minor Consent Program is a key resource helping young mothers access prenatal care and care from a clinician who is responsible for assessing whether a mandated report is required.

The Grand Jury states that "all sexual activity with a minor under 14 is abuse." The Grand Jury cites a chart developed by the National Center for Youth Law which is distributed by the Child Abuse Prevention Council as part of their mandated reporter training. The chart is inserted on the following page.

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1 through F-7

2. BASED ON AGE DIFFERENCE BETWEEN PARTNER AND PATIENT IN A FEW SITUATIONS

Mandated reporters also must report based on the age difference between the patient and his or her partner in a few circumstances, according to the following chart:

KEY: M = Mandated. A report is mandated based solely on age difference between partner and patient.

CJ = Clinical Judgment. A report is not mandated based solely on age, however, a reporter must use clinical judgment and must report if he or she has a reasonable suspicion that act was coerced, as described above.

Age of Partner >=	12	13	14	15	16	17	18	19	20	21	22 and older
Age of Patient <											
11	CJ	CJ	M	M	M	M	M	M	M	M	M
12	CJ	CJ	M	M	M	M	M	M	M	M	M
13	CJ	CJ	M	M	M	M	M	M	M	M	M
14	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	M	M
15	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	M	M
16	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ
17	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ
18	M	M	CJ	CJ	CJ	CJ					
19	M	M	CJ	CJ	CJ	CJ					
20	M	M	CJ	CJ	CJ	CJ					
21 and older	M	M	M	M	CJ	CJ					

Chart design by David Knight, LCSW, LCSM

(The legal sources for this chart are as follows: Penal Code §§ 11165.1, 261.5; 261, 259 Cal. Rptr. 762, 769 (3rd Dist. Ct. App. 1989); 226 Cal. Rptr. 361, 381 (1st Dist. Ct. App. 1986); 73 Cal. Rptr. 2d 331, 333 (1st Dist. Ct. App. 1968).

This chart is based on the California Penal Code and numerous court decisions. According to this chart and to mandated reporter training, there is an element of consideration regarding the age of the partner, even when the minor is under 14 years old. The accuracy of this chart is reiterated in the California Attorney General's publication "Child Abuse Prevention Handbook...and Intervention Guide" published in 2007. On the first page of the section on "What is Not Child Abuse," the Attorney General's Office states:

- **Voluntary sexual activity between children under the age of 14.** Voluntary sexual conduct between children who are both under the age of 14 years and who are of similar age and sophistication is not a crime and need not be reported under the Child Abuse and Neglect Reporting Act. (People ex rel. Eichenberger v. Stockton Pregnancy Control Medical Clinic, Inc. (1988) 203 Cal.App.3d 225; Planned Parenthood Affiliates v. Van de Kamp (1985) 181 Cal.App.3d 245.)
- **Pregnancy.** Pregnancy of a minor, does not, in and of itself, constitute the basis of a reasonable suspicion of sexual abuse. (Pen. Code, § 11166, subd. (1).) Pregnancy may be cause for a report if the pregnancy was conceived by a female under age 16 and a male over 21. Similar consideration should be made for other evidence of sexual activity including sexually transmitted diseases including Gonorrhea, Chlamydia, Genital Herpes, genital warts and HIV.

This document references the mandated reporting law under Penal Code Section 11166 (a) (1) which reads:

(1) For purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (Emphasis added)

It also references the California Appellate Court decision in *Eichenberger v. Stockton Pregnancy Control Clinic* which states in the deciding opinion:

The injunction issued by the trial court requires a report wherever a minor under age 14 is diagnosed as being pregnant, as having a sexually transmitted disease, or as suffering from complications of abortion. The injunction is apparently premised on the inference that a minor who is pregnant, or who has some other sexually caused medical condition has been the victim of a sexual assault. However, under the current version of the Act, the inference is expressly precluded to the extent it is based solely on pregnancy. (*§ 11166, subd. (a).*) Moreover the inference is not logically [***23] warranted to the extent a medical condition has been caused by voluntary sexual conduct between minors under age 14, both of whom are of a similar age.

The Court's opinion continues and states:

(10) The Act makes clear that professionals subject to the Act must evaluate facts known to them in light of their training and experience to determine whether they have an objectively reasonable suspicion of child abuse. (*§ 11166, subd. (a); Planned Parenthood, supra, 181 Cal.App.3d at p. 259.*) ' However, nothing [*240] in the Act requires professionals such as health practitioners to obtain information they would not ordinarily obtain in the course of providing care or treatment. Thus, the duty to report must be premised on information obtained by the health practitioner in the ordinary course of providing care and treatment according to standards prevailing in the medical profession. ' Whether this information creates a reasonable suspicion of reportable child abuse will depend in many instances on application of the health practitioner's training and experience, as [***24] the Act expressly directs.

The Department of Social and Employment Services recognizes that teen sexual activity can be risky and problematic, yet must deal with the reality of its presence in the community. The Department is committed to obeying the laws regarding child abuse and neglect reporting and embracing the value of the Medi-Cal Minor Consent Program as an important

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1 through F-7

resource for youth in assuring they have access to necessary health care and resources that may be necessary for preventing child abuse and addressing sexual assault. In embracing the Medi-Cal Minor Consent Program, it is important to note that disclosure of the facts necessary to ascertain a reasonable suspicion of abuse is not an element of the eligibility determination procedure. To require that additional information would be contrary to the design and intent of the program – which is to assist the minor in confidentially reaching a health professional. It is also important to note that all health care providers are trained and able to make a determination whether there is reasonable suspicion of child abuse.

Eligibility Workers are aware and trained of their responsibilities as mandated reporters. If a minor were to disclose sufficient information for the Eligibility Worker to reach the reasonable suspicion that a child applicant for Minor Consent Medi-Cal was a victim of child abuse (see mandated reporting chart and discussion above) the workers are trained and expected to make a report.

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1 through R-9

Recommendation R-1: *Community Benefits should instruct its employees not to give any information or advice to an applicant that is intended to assist the applicant in misrepresenting their assets or living conditions to meet qualification requirements. [Related Finding: F-1]*

Response R-1: The recommendation has been implemented.

All Eligibility Workers are given extensive training before they are assigned to casework. They are also closely supervised in their work determining eligibility with randomly selected full and focused casework reviews to assure accuracy and quality. The Grand Jury notes in their discussion that this training is extensive and that those who are not successful are released.

The training includes in-depth study of the requirements for eligibility and the obvious direction to not encourage or assist applicants in misrepresenting their assets or living conditions to meet qualification requirements. Eligibility workers are also trained in making referrals to the District Attorney's Welfare Fraud Special Investigation Unit when they have suspicion that a customer may be misrepresenting the facts related to their eligibility. To support this effort the Department also relies on numerous automated matches with the Franchise Tax Board, the Employment Development Department and the Social Security Administration to validate the facts as presented. In Calendar Year 2011, there were 1,059 referrals to the District Attorney's Welfare Fraud Special Investigations Unit made by DSES Eligibility Workers.

Recommendation R-2: *Community Benefits should implement an improved system of processing applications. [Related Finding: F-2]*

Response R-2: The recommendation has been implemented.

In recent years, the following enhancements in application services have been implemented:

- a) Implementation of the MC-CHOICE Outreach Program
- b) Implementation of C4Yourself on-line applications
- c) Centralization of assessment and screening of electronic and mail-in applications
- d) Addition of Social Services Aides for application screening services to reduce wait times for application services and to allow for the reassignment of Eligibility Workers to application processing services.
- e) Redesign of the Salinas Waiting Room
- f) Implementation of an appointment numbering system
- g) Implementation of telephone interviews for CalFresh and Medi-Cal applicants
- h) Implementation of the interactive voice response system for outbound calls to remind customers of appointments and pending items to complete the eligibility process
- i) Elimination of the Statewide Finger Imaging System in CalFresh per AB6

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1 through R-9

It should be noted the Department of Social and Employment Services is also looking for resources to redesign its Salinas District Office Community Benefits lobby to further improve the intake process and customer flow.

Recommendation R-3: *Community Benefits should initiate an education program required for all benefit recipients during an in-depth orientation, utilizing resources from Family and Children Services and the Health Department, to teach recipients how to make healthy food choices and shop wisely to stretch dollars. [Related Finding: F-3]*

Response R-3: The recommendation has not yet been implemented.

The Department of Social and Employment Services will consult with the Health Department on the availability of brochures on healthy foods choices and farmers markets that accept EBT. Recognizing the importance of nutrition education, the Department will distribute available materials during orientations beginning in April 2012. More extensive education as recommended cannot reasonably be pursued given the strains of workload and financial pressures currently being experienced by the Department of Social and Employment Services. The focus of Family and Children's Services resources is toward the prevention and investigation of child maltreatment; nutrition education is beyond the scope of the Family and Children's Services branch.

Recommendation R-4: *In the Community Benefits' orientations, include instruction on how to avoid high ATM fees, including use of direct deposit into personal bank accounts as an option. [Related Finding: F-4]*

Response R-4: The recommendation has not yet been implemented.

Orientation material on the use of direct deposit as an alternative to having CalWORKs added to EBT will be distributed at orientation sessions beginning in April 2012. Customers will also be reminded to be aware of ATM surcharges for withdrawal of cash benefits.

Recommendation R-5: *Community Benefits should be pro-active in working with the California Department of Social Services Program Integrity Branch to identify ATMs in locations inconsistent with the intent of the CalWORKs program or the Appendix A letters. [Related Finding: F-5]*

Response R-5: The recommendation will not be implemented because it is not reasonable.

Given the extensive workload and financial pressures on the County's Department of Social and Employment Services, resources are not available to provide this level of additional support to the California Department of Social Services.

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1 through R-9

With regard to the ATM at the Monterey County Fairgrounds' Monterey County Race Place. This ATM location was brought to the attention of the California Department of Social Services in January 2012 and the Department was informed the EBT access would be deactivated.

Recommendation R-6: *All administrators and staff in Community Benefits should be re-educated through CAPC in a comprehensive program designed to remove all doubt of the laws and responsibilities of mandated reporting. [Related Findings: F-6 and F-7]*

Response R-6: The recommendation will not be implemented because it is not warranted.

All Department of Social and Employment Services employees, including those in Community Benefits are provided with training by the Child Abuse Prevention Council on mandated reporting. The Department's response to Finding 7 reflects current law as applied to mandating reporting. As indicated above, the doubts in the law raised by the Grand Jury's findings are contraindicated by the penal code, case law, the State's Office of Child Abuse Prevention, the California Attorney General's Office and the Child Abuse Prevention Council training material.

It is important to note that when child abuse referrals are received, including those for sexual abuse of minors, the Department of Social and Employment Services' Family and Children's Services Branch investigates the referral as it relates to the capacity of families to protect their children and cross-refers to law enforcement to investigate and pursue criminal activity.

Recommendation R-7: *Community Benefits should develop a system of measuring the effectiveness of the training and consider developing a tracking system to make sure reports are generated appropriately. [Related Findings: F-6 and F-7]*

Response R-7: The recommendation will not be implemented because it is not warranted.

As stated above, a new training program is not necessary. Implementing such a training program would be redundant and would result in greater need for overtime. However, it is worth noting that the Family and Children's Services will redirect scarce time and resources to adding a new manual tracking system to their Child Abuse Referral system to separately identify referrals from Community Benefits staff in order to prevent future misunderstanding of staff pursuit of mandated reporting. This new effort will begin in April 2012.

Recommendation R-8: *All affected agencies should endorse, promote, and emphasize a willingness to enforce violations of mandated reporting laws, actively assisted in those efforts by the county counsel. [Related Findings: F-6 and F-7]*

Response R-8: The recommendation has been implemented.

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1 through R-9

The Department of Social and Employment strongly concurs that mandated reporting laws should be enforced. Mandated reporters and mandated reporting laws are essential for protecting children. At the statewide advocacy level the Department of Social and Employment Services have consistently advocated for strong mandated reporting laws necessary to promote the safety and well-being of children.

Recommendation R-9: All affected agencies in the county should develop a county-wide protocol for CPS and law enforcement agencies to respond immediately to a minor under 14 applying for pregnancy services when any Eligibility Worker becomes aware that the minor intends to have an induced abortion, so arrangements can be made by law enforcement to collect fetal DNA evidence. [Related Findings: F-6 and F-7]

Response to R-9: The recommendation will not be implemented because it is not reasonable.

This recommendation cannot be implemented. The Penal Code and case law provide that pregnancy in and of itself is not sufficient to establish reasonable suspicion of sexual abuse. This is concretely stated in section 11166 (a)(1) of the Penal Code. It should be noted that if a minor, of any age and in any of the Department of Social and Employment Services programs, discloses information that establishes cause for a mandated child abuse report, one is made.

The Department of Social and Employment Services defers to the District Attorney, other law enforcement agencies and the Superior Court in advising the process and requirements for obtaining a warrant for the collection of fetal DNA evidence. Efforts by law enforcement to identify and pursue evidence in the prosecution of sexual abuse and the protection of children are whole-heartedly embraced by the Department of Social and Employment Services as part of our ongoing partnership.



MONTEREY COUNTY SHERIFF'S OFFICE

RECEIVED

MAR - 1 2012

SALINAS-ADMIN

February 29, 2012

The Honorable Timothy P. Roberts
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

RE: Sheriff's Office Response to the 2011 Civil Grand Jury Report

Dear Presiding Judge Roberts:

Please accept the attached response to the 2011 Civil Grand Jury Report. The Grand Jury's work in assessing the County Jail and identifying the issues related to excessive overtime is greatly appreciated.

Upon assuming office, I also identified excessive overtime as an issue and have initiated several proposals to address both the financial and health related costs of this issue. In the attached response, I identify some of the most significant responses to date and will continue to explore ways to further address this issue in the future.

I am grateful for the work done by the Grand Jury, and appreciate the opportunity to respond to this important issue. Please feel free to contact me if I can provide any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Miller".

Scott K. Miller
Sheriff-Coroner

Scott Miller, Sheriff-Coroner

1414 Natividad Road, Salinas, CA 93906 www.co.monterey.ca.us/sheriff (831) 755-3700

JAIL AND DETENTION INSPECTIONS

F-1. Staffing shortages in the Monterey County Jail often require officers to work four hours of overtime after completion of their regularly-scheduled 12-hour daily shifts. The result is only an eight hour interval before their next scheduled shift, thus depriving them of sufficient time for rest and sleep. In addition, some officers work excessive extra days of overtime on their days off. Published studies report that sleep deprivation is a serious concern related to the health and safety of those so deprived.

I agree with the finding.

R-1. The Monterey County Sheriff should review current officer overtime policies and practices at the County Jail with the objective of eliminating or minimizing overtime within a workday or additional work days, to provide the staff with sufficient time-off between shifts for rest and sleep.

The recommendation has been implemented. Since taking office in January of 2011, I have ordered a review of the Sheriff's Office overtime practices in order to reduce expenditures and to improve the physical and mental health of our employees. In regards to this specific recommendation regarding overtime in the County Jail, I have directed the following initiatives to be implemented:

1. The creation of twelve Custody and Control Specialist positions to fill positions formerly occupied by the Deputy Sheriffs. These new positions will provide additional staffing in the jail at regular rates significantly below the Deputy Sheriffs' hourly rate, and allow the Deputies formerly assigned to these tasks to fill open shifts, thereby reducing overtime. Depending on the success of these new positions in reducing overtime while maintaining the safe and efficient operation of the Jail, I may request an additional twelve positions to further reduce the use of overtime and staffing costs in the jail.
2. The implementation of a new timekeeping/scheduling software program that will allow for improved scheduling of shifts and monitoring of employee hours. On February 29, 2012, the Board of Supervisors approved an agreement with Kronos, Inc. to implement a system that will enhance the scheduling of shifts and provide more control and oversight concerning the amount of overtime being worked by individual employees.
3. Considering the implementation of a new policy limiting the number of hours worked in consecutive days. The Sheriff's Office currently has a policy that an employee may only work sixteen hours in any twenty-four hour period, with the exception of emergencies. While I believe this to be an effective policy for a single twenty-four hour period, I also believe it does not adequately address the issue of working this many hours over an extended period of time. Therefore, I am considering the adoption of a new policy that would limit the number of hours worked in a consecutive day period,

following completion of the appropriate consultation with the Deputy Sheriffs' Association (DSA).

4. Analyzing the operations of the entire Sheriff's Office to ensure that services are being provided in the most effective and efficient manner. Realizing that the number of overtime hours worked at the County Jail is most directly a result of the reduced number of employees that we have, I have directed staff to audit, evaluate and assess our operations to determine if cost savings can be realized so that we can at least maintain, if not augment, our current staffing levels. Examples of these savings that have already been realized are:
 - Bidding out the inmate medical services contract for the first time in over two decades which will result in a reduction in annual costs by over \$500,000.
 - Modifying the Forensic Pathologist contract which, based on past experience, is anticipated to reduce expenditures by over \$50,000 annually.
 - Reducing the number of on-call employees by forty percent while still ensuring appropriate staff coverage for off-duty call outs.
 - Reducing the number of employees with take home vehicles by seventy percent.
 - Reducing the number of Command Staff positions and altering the schedules of the Watch Commanders and Detectives to provide nighttime and weekend staffing to increase management oversight and reduce overtime.

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SALINAS ADMIN

MONTEREY COUNTY

OFFICE OF THE DISTRICT ATTORNEY

DEAN D. FLIPPO
DISTRICT ATTORNEY



February 29, 2012

Honorable Timothy P. Roberts
Superior Court of California, County of Monterey
240 Church Street
Salinas, CA 93901

Re: Responses to the Monterey County Civil Grand Jury 2011 Final Report

Judge Roberts:

Pursuant to Penal Code section 933.05(b) attached please find applicable responses from the District Attorney's Office.

Sincerely,

Dean D. Flippo

DEAN D. FLIPPO
District Attorney,
County of Monterey

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**THE
MONTEREY COUNTY
DISTRICT ATTORNEY'S
OFFICE**



**Response to the Monterey
County Civil Grand Jury
2011 Final Report**

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County District Attorney's Office
RESPONSE TO: Findings F-7

Finding F-7: Eligibility Workers and medical professionals apparently under-report suspected sexual abuse.

Response F-7: The District Attorney's Office disagrees with this finding.

There is insufficient statistical analysis to make the blanket claim that eligibility workers are under reporting suspected sexual abuse. Accepting for the sake of argument that zero is an exceedingly low number of reports to have been made from this group it is entirely unclear whether 1) the eligibility worker had information in each of these cases that the client's partner was under the age of 14 and therefore not reportable absent additional indications of abuse or 2) the information obtained or sought during the course of an insurance eligibility interview gave rise to a reasonable suspicion that the sexual partner of the pregnant minor under the age of 14 was a person over the age of 14 or 3) whether information obtained raised a reasonable suspicion of child abuse no matter what the age of the minor. Without a proper basis for believing or suspecting abuse no report need be made.

California Penal Code Section 11166(1) states: "For purposes of this article, 'reasonable suspicion' means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. 'Reasonable suspicion' does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any 'reasonable suspicion' is sufficient. For the purpose of this article the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse."

The District Attorney's Office believes that when an eligibility worker is presented with a case involving a pregnant minor under the age of 14, a reasonable inference can be drawn that her partner is over the age of 14 absent specific information to the contrary, and that it would therefore be appropriate to submit a suspected child abuse report. In such cases, the report would not be supported solely by the fact of the pregnancy, but with the fact of the pregnancy *in combination with the fact that the minor is under the age of 14 years old.*

As the finding relates to the medical profession there is no evidence to support the assertion of under-reporting within this community. The Grand Jury does not define this group or indicate any evidence upon which it relies.

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County District Attorney's Office
RESPONSE TO: Recommendation R-8

Recommendation R-8: All affected agencies should endorse, promote, and emphasize a willingness to enforce violations of mandated reporting laws, actively assisted in those efforts by the county counsel. [Related Findings: F-6 and F-7]

Response R-8: The recommendation has been implemented.

The District Attorney agrees that mandated reporting laws should be enforced. For many years, the District Attorney provided training to mandated reporters on this subject. Currently, the Child Abuse Prevention Council (CAPC) provides training for mandated reporters throughout Monterey County. The District Attorney is available to assist if requested by the Child Abuse Prevention Council to ensure that mandatory reporters are provided a thorough understanding of their responsibilities and how to apply them.

REPORT TITLE: Monterey County Welfare
RESPONSE BY: Monterey County District Attorney's Office
RESPONSE TO: Recommendation R-9

Recommendation R-9: *All affected agencies in the county should develop a county-wide protocol for CPS and law enforcement agencies to respond immediately to a minor under 14 applying for pregnancy services when any Eligibility Worker becomes aware that the minor intends to have an induced abortion, so arrangements can be made by law enforcement to collect fetal DNA evidence. [Related Findings: F-6 and F-7]*

Response to R-9: The District Attorney's Office will not pursue this recommended course of action.

Certain legal terminology needs to be understood in the context of this discussion. 'Reasonable suspicion' is a very low standard of evidence/proof and is the standard to be applied in deciding whether to report a situation under California Penal Code Section 11161, the mandatory reporter law. 'Probable cause' is a state of evidence that allows law enforcement officials to proceed with an investigation into criminal conduct and would be the standard employed for the collection of evidence as envisioned in the recommendation from the Grand Jury. 'Proof beyond a reasonable doubt' is the standard required for a criminal conviction and for the District Attorney to file and prosecute a case to its conclusion. The Grand Jury recommendation does not adequately take into account these varying legal standards. In their effort to zealously protect the interests of children in our community, the Grand Jury has proposed a scheme that does not comport with objective law enforcement investigative protocols. As envisioned, the recommendation overly focuses on under 14 year old minors who seek abortion services and have asked for services through the Department of Social and Employment Services (presumably a narrow category of potential victims in this area). A protocol aimed exclusively at this minority population may run afoul of Constitutional criminal procedural due process and seems to be an inappropriate method to address the concerns of the Grand Jury.

In determining whether a reasonable suspicion exists one should not rely on case law interpreting probable cause for a substantive crime. By doing so it could lead to confusion for mandated reporters.

When and if situations arise leading an eligibility worker, medical professional, or other mandatory reporter to initiate a report under California Penal Code Section 11161, normal law enforcement procedures are currently adequate and appropriate to handle those situations - no new protocols appear necessary based on the information contained in the current Grand Jury report.



Carmel Area Wastewater District

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TR

Barbara Bulkema
General Manager

James J. Pinkevich
Superintendent

Robert R. Wellington
Legal Counsel

February 28, 2012

Board of Directors
Gregory D'Ambrosio
Suzanne Paboojian
Robert Siegfried
Charlotte F. Townsend
Ken White

The Honorable Timothy Roberts
2012 Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

RECEIVED

MAR 04 '12

SALINAS-CRIMINAL

Re: Response to 2012 Monterey County Civil Grand Jury

Dear Judge Roberts:

Please accept the following information as the response of the Board of Directors of the Carmel Area Wastewater District (CAWD) to the 2012 Monterey County Civil Grand Jury Interim Final Report No. 3 – "An Overview of the Carmel Area Wastewater District". The responses were approved by the District's Board of Directors at their meeting of February 28, 2012, and comply with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

Findings:

- F1 Currently, the CAWD appears to be more proactively maintaining the wastewater infrastructure of the district than in past years.

Response: The Board partially disagrees with the findings. We have always worked to maintain the wastewater infrastructure of the District. We are on the brink of embarking on a significant plan of rehabilitation and replacement at the facility due to aging. The District's long term capital plan is being examined by outside consulting engineers to ensure that we are making the best engineering and financial decisions for our constituents. Our current plan includes an updated 15-year Capital Improvement Plan for the secondary plant.

- F2 Sufficient cash reserves are on hand for planned and unplanned repairs.

Response: The Board agrees with the findings. The District believes it is well positioned to begin implementation of its Capital Improvement Plan. The preliminary long term projections from our updated capital planning efforts indicate that we will need to raise rates in order to complete rehabilitation of the treatment plant. The Board is focused on balancing incremental rate increases over the next several years with the District's capital requirements, and has implemented a plan to reach these goals.

- F3 The CAWD has a reasonable number of employees and efficient work practices.
Response: The Board agrees with the findings.
- F4 The CAWD has established overall rates and fees that are competitive with other districts.
Response: The Board agrees with the findings.
- F5 The CGJ found the BOD hired the most qualified internal candidate based on the job description for the position, although no external candidates were solicited or interviewed.
Response: The Board agrees with the findings.
- F6 The CGJ finds that the lack of timely performance appraisals was undoubtedly a contributing factor to low employee satisfaction and a lack of communication between management and treatment department staff.
Response: The Board agrees with the findings.
- F7 Overall, we find that the relationship between the CAWD and the PBCSD is mutually beneficial.
Response: The Board agrees with the findings.
- F8 The CAWD will need to raise user rates in upcoming years to provide additional funds for capital improvement.
Response: The Board agrees with the findings.

Recommendations:

- R1 When complete, the 15 year Master Capital Improvement Plan should be closely followed to ensure that adequate service and response is provided in the future.
Response: The recommendation has not yet been implemented. The District anticipates receiving a final report on the updated 15 year Master Capital Improvement Plan in March 2013. Thereafter the District anticipates utilizing adaptive management techniques to continually refine and improve the plan, reducing uncertainty by sustained system monitoring while proceeding with the rehabilitation/rebuild of capital infrastructure. Considerable resources have been focused on ensuring that this approach is sustainable. We have engaged an engineering firm to train the Board and staff on the Ten Step Asset Management Model practiced by the Environmental Protection Agency (EPA). District staff now includes a licensed professional engineer who will be responsible for both maintaining and building on the plan document. There is a commitment to make the District's asset management practices fully integrated into the District's operational practices and subject to defined audit, review and updating procedures.

- R2 Management should heed results and recommendations from 2011 employee surveys, specifically communication between management and staff and increased cooperation between departments will help improve morale.

Response: The recommendation has been implemented. Even before the results of the 2011 employee survey were presented management had taken multiple steps to improve morale:

- A new Wastewater Treatment Superintendent was hired with the intention of implementing the District's aims and objectives and to improve morale.
- Organizational structure has been analyzed and action has been taken to remove the command and control structure previously in place and replace it with a more responsive supervisory control structure designed to be more in tune with District and employee needs.
- Training has been ramped up across all job categories. Both internal training efforts and sending employees to external classes and conferences at all levels have increased.
- Internal transfers between Collection Dept. and Treatment plant has been implemented and the Maintenance department strengthened.
- Safety Officer transferred to Senior Operator status and a new safety/compliance position is being planned.
- Departmental and Organization staff meetings are now held on a regular basis. Mid management staff meetings are also held on a regular basis.
- Efforts are ongoing to change organizational culture to one where employees and management are always accountable for the District's success.
- Minor performance issues are being dealt with, as they arise, on a one-on-one basis between employee and supervisor.

- R3 Management should make every effort to ensure that all employee performance appraisals are current and conducted every 12 months in the future. This is absolutely necessary for effective communication between management and staff.

Response: The recommendation has not yet been implemented. Performance appraisals for those that are behind schedule will be completed by February 29, 2013. In the future all performance appraisals will be on schedule. We have a system in place to remind managers of each upcoming due date. We agree that performance appraisals help to facilitate effective communication between management and staff.

- R4 A new employee survey should be conducted in 2013 to gauge success of improvement programs currently underway that address low employee morale.

Response: The recommendation has not yet been implemented. A follow-up to the 2011 survey is planned for the spring of 2014. We have made a significant number of changes to improve those areas that were cited in the first survey. We've been working on a deliberate and complex reorganization of the District, have hired a new Treatment Plant Superintendent, and made moves to change the culture here (greater training, greater opportunities, and greater staff accountability). The Board has made a commitment to re-survey after 3 years as part of the restructuring plan. We think that scheduling it for the Spring of 2014 gives staff time to settle and become more comfortable with the changes before we revisit the survey.


Funding will be included in the 2013-14 budget. Staff plans to conduct a follow-up survey in the Spring of 2014.

- R5 In the future, the BOD should make every effort to consider both internal and external job applicants for senior managerial positions.

Response: The recommendation has been implemented. The Board has approved policies in place to encourage promotion from within whenever a qualified candidate exists for any position. However, that in no way implies that hiring from within is an obligatory policy at the District. For senior managerial positions the Board has had and will continue the practice of holding vigorous and frank discussions prior to making any hiring decision. The Board recognizes that considering external applicants is often necessary to introduce new ideas and practices into an organization. Conversely, promoting from within has positive values relating to morale, retaining institutional knowledge, commitment to the District, and District reputation.

The Board-approved response is transmitted to the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Carmel Area Wastewater District Board of Directors, General Manager, and department heads.

Sincerely,



B. Buikema
General Manager

cc: Grand Jury
Charles J. McKee, County Counsel
Leslie J. Girard, Chief Assistant County Counsel



TC
12/27/12

CITY OF MARINA
211 Hillcrest Avenue
Marina, CA 93933
831-884-1278; FAX 831-384-9148
www.ci.marina.ca.us

December 19, 2012

Monterey County Civil Grand Jury
P. O. Box 414
Salinas, CA 93902

COPY

Re: Response of the City Council of the City of Marina to the
2012 Grand Jury Interim Report No. 2; "Interference by Marina
City Council With City Staff Work/Marina Public Park At Risk";
Response by Marina City Council

Dear Sir or Madam:

The Response of the City Council of the City of Marina to the findings and recommendations set forth in the above-referenced Monterey County Civil Grand Jury Interim Report was reviewed and discussed at length by the Council at a duly-noticed public meeting held on December 18, 2012. The response was approved by the City Council at that meeting and a copy of same is attached and provided to you herewith.

Thank you for your service to the public, and for your courtesy and attention to this matter.

Very truly yours,

Bruce Carlos Delgado
Mayor, City of Marina

BCD:dr

Enclosure

cc: The Honorable Timothy Roberts, Presiding Judge (w/enc.) ✓
Leslie J. Girard, Chief Assistant County Counsel (w/enc.)
Marina City Council
Interim City Manager Douglas Yount

**CITY OF MARINA'S RESPONSE TO THE 2012 MONTEREY COUNTY
GRAND JURY INTERIM FINAL REPORT NO. 2,
Approved by the Marina City Council on December 18, 2012**

COMMENTS IN RESPONSE TO GRAND JURY FINDINGS:

GRAND JURY FINDING 1: "The CGJ found several instances where at least one member of the MCC acted in an administrative capacity with the general public on issues that should be in the purview of the City staff, thus causing confusion between the public and city officials. We reviewed specific written complaints from the general public complaining of MCC member interfering in the negotiations for the development of business opportunities between themselves and the appropriate city official."

Response: The Respondent MCC ("Council") respectfully disagrees with this finding.

Further response of the Marina City Council:

First, the Civil Grand Jury (hereinafter "Grand Jury") states that at least one Council member "acted in an administrative capacity with the public on issues that should be in the purview of the City staff," so as to cause "confusion between the public and city officials," but does not state specifics such as subject matter or when, by or with whom, where, or how this occurred. It is not possible to respond specifically to vague conclusions of this sort. On or about October 31, 2012, the Grand Jury denied Marina's request for specific information related to the report. The Grand Jury states it reviewed "specific written complaints ... complaining of [Council] members interfering in the negotiations for the development of business opportunities between themselves and the appropriate city official." The Council disagrees that it, or any of its members, has interfered in any negotiations between developers and City staff. That being said, individual Council members have met with developers and others in order to receive information regarding proposals. The Council believes it is the duty of its members to do what is necessary to be fully informed about development and business proposals, and that includes having no more than two Council members participating in such meetings. It is entirely

appropriate to engage in such meetings, so long as no laws, in particular the Brown Act, or City policies, are violated, and provided that Council members, during such meetings, refrain from making promises, representations, or commitments on behalf of the City. The Council is not aware that any of its members have violated any such laws or policies, nor have any Council members made any promises, representations, or commitments during such meetings or otherwise.

Finally, pursuant to the City Charter, it is the duty, obligation and responsibility of the City Council to develop plans and programs, provide adequate financial resources for, and to implement fully such plans and programs. Further the Council is charged with maintaining a revenue structure which ensures the public a basic level of city services, as determined by the City Council. As such, it cannot be precisely determined when the City Council is "interfering" or "crossing the line" into staff functions as alleged by the Grand Jury and when the Council Members are simply fulfilling their duties, obligations and responsibilities to the public under the Charter.

GRAND JURY FINDING 2: "The MCC did not follow one of the key guidelines for the use of an "AD HOC" committee, namely, they are temporary committees. The MEC established the MEC Ad Hoc Committee on August 19, 2008 after officially suggesting its formation as of February, 2008. While members have changed over time and the City staff was removed from working with the Ad Hoc Committee, the committee is still operating – more than four years later. The CGJ observed little progress in completing the intended purpose of the MEC Ad Hoc Committee. By eliminating the staff support for the committee (essentially the source of professional help to this important project) the MCC reduced its expenditures on labor during part of this 4 year plus period. However, the MCC has recently authorized \$33,500 to hire outside consultants to move the project along."

Response: The Council disagrees in part with this finding.

Further response of Marina City Council:

The Grand Jury appears to state that an ad-hoc committee, which is a committee formed to complete a specific task and which is normally dissolved when the task is completed, should not have a duration of several years. The Grand Jury correctly states that the Marina Equestrian Center Ad Hoc Committee (hereinafter "Committee") has been in existence for four years. The Council does not agree that an ad-hoc committee should necessarily or always exist for a specific amount of time.

That being said, the Committee has had twelve meetings over the past fifteen months. The purpose of the Committee was and is to submit recommendations to the Council. This has been done, and, subject to further direction by the Council, it is anticipated that the Committee will be dissolved in January 2013 or extended for a limited period of time with a definite termination date.

The Council agrees that "little progress in completing the intended purpose of the MEC Ad Hoc Committee" was made in the years 2008 through March 2011, but denies that little progress has been made overall. The purpose and goal of the Committee was to meet in open session, compile records and documents, receive input, and submit a knowledgeable presentation with recommendations to the Council on how to proceed. This has been accomplished.

The Council denies that Staff support for the Committee was eliminated. Since March 2011, the Committee has been assisted by city Staff members, including the fire chief, the recreation director, public works employees, and other Staff members as deemed necessary by the city manager. Through the assistance of the city manager, City Staff provided records and documents relevant to the Committee's goals. In addition, the city Public Works Commission,

Recreation and Cultural Services Commission, and Planning Commission participated in joint session with the Council and the Committee, to achieve this goal.

GRAND JURY FINDING 3: "Of the four members on the MEC Ad Hoc Committee, 2 are members of the Marina City Council. There were at least 2 violations of the Brown Act during the past year with regard to this committee. The minutes of the meetings were not made readily available to the public and only became available when a member of the public made an official request with city Staff. Second, a member of the committee was denied access to portions of the official report of the committee that was to be presented to the MCC."

Response: The Council disagrees that there were two violations of the Brown Act in the past year. The approved minutes of the meeting were, at one point, not made immediately available. The immediate distribution of previously approved minutes is not a requirement of the Brown Act. The other supposed Brown Act violation regarding denied access to a report was a *de minimus* violation, if any, and was cured by provision of the report within the time requirements set by the Brown Act.

Further response of the Marina City Council:

It is the understanding of the Council that the immediate availability of the previously approved minutes of the Ad Hoc Committee to the public is not a requirement of the Brown Act, and that the method applied by the committee members and the Council was, although not the most efficient, not a violation of the Brown Act.

The providing of the minutes does fall within the Public Records Act (PRA) request requirements, and once the Council became aware of the request it was complied with by city staff.

The chair of the committee compiled the approved minutes and submitted them to the assistant city clerk for filing and distribution, to the public. Prior to the compiling of the

approved minutes for distribution the chair of the committee announced that the reason for compiling those minutes in a booklet was to minimize the work of the city staff. The Council notified the public in open session that the chair of the committee was compiling the minutes in this manner, and announced their availability to the public upon request.

On January 31, 2012, a member of the public wrote a request that was in the form of a note, to city staff asking for a copy of the minutes. Due to an unintentional oversight, the minutes were not provided per the request until February 21, 2012 at 8:35:45 a.m.

As to the alleged denial of access to portions of the official report of the committee that was to be presented to the Council, it is assumed by the Council that this refers to the Power Point presentation made to the committee on November 16, 2011.

The members of the committee had been presented with a Power Point presentation for revision and comments. All members of the committee and public members in attendance were given the opportunity to comment and make suggestions on the draft Power Point presentation. It was understood by the committee members that the Power Point presentation would be finalized by the committee member and ultimately presented to the council at a joint session with certain city commissions. The committee members agreed to this procedure.

On March 1, 2012 a committee member submitted a PRA request for a digital copy of the draft Power Point presentation that was presented to the MEC Ad Hoc Committee on November 16, 2011. The request was for a digital copy to email.

March 1, 2012 at 2:07:11 p.m. the assistant deputy city clerk informed the committee chair of the request.

March 1, 2012 at 2:31:16 p.m. the committee chair informed the assistant deputy city clerk as to the location of the presentation disc.

March 1, 2012 at 2:41:13 p.m. the committee chair emailed the committee member who had the disc presentation, of the PRA request by the other committee member.

March 5, 2012 at 11:40:19 a.m., in response to an email from a committee member, the city attorney informed the city manager, the committee chair and the committee member that his office would contact the committee member who had the disc so that the same would be made available to the committee member pursuant to the PRA.

March 6, 2012 at 8:55 a.m. MEC Ad Hoc Committee secretary notified the city attorney's office of the availability of the disc for distribution on Thursday, March 8, 2012.

On March 8, 2012 Attorney Deborah Mall, of the city attorney's office, drove to Ms. Gail Morton's office and picked up the Power Point presentation. Attorney Mall immediately e-mailed the Power Point presentation to those who had requested the presentation. It is acknowledged that the Brown Act requires disclosure of writings distributed to the members, without delay. The Power Point presentation was shown to the public but was not made immediately available in the form requested at the meeting. If the Brown Act was violated by this failure to immediately distribute a copy of the presentation, the *de minimus* violation was cured within thirty (30) days of the demand as required by Government Code Sec.

54960.1(b),(c)(1).

On March 13, 2012 the Power Point Presentation was presented by the secretary of MEC Ad Hoc Committee in open session to the Marina Planning Commission, Recreation & Cultural Services Commission, Public Works Commission, MEC Ad Hoc Committee and the Council.

GRAND JURY FINDING 4 : "The handling of the MEC Ad Hoc Committee has put the MEC site at possible risk of loss to the City of Marina. The City of Marina was given the property by the Federal Government in 1993, with the proviso that it must implement a plan to ensure it is used as a public park. Public access to the property is a significant component of meeting the Federal guidelines. Eighteen (18) years later, the City of Marina has not only failed to complete such a plan, but has not even provided a contemporary plan that meets the demands of the Federal government. The Federal Government has suggested that this valuable asset could be at risk if the City of Marina does not comply with the covenants of the land transfer."

Response: The Council Agrees in part.

Any risk that may exist is not the result of the more recent MEC Ad Hoc Committee having been reformatted with the addition of two members of the public in March 2011. It came to light, as a result this MEC Ad Hoc Committee's efforts, that the Council must proceed in a more positive and affirmative manner to make the park a public one whose use goes beyond its present use. The twelve (12) meetings of the MEC Ad Hoc Committee since July 18, 2011 have been for the sole purpose of determining a plan on how the Council should proceed, so that the requirements/covenants in the deed of transfer from the National Park Service (NPS) are complied with as soon as possible. This is the main reason that the makeup of the committee was expanded to include members of the public.

The committee's and public's input over these twelve meetings resulted in a Power Point presentation being prepared by the committee and presented in open session to the Public Works Commission, Recreations and Cultural Services Commission, Planning Commission, city staff and the Marina City Council. The presentation made recommendations to the Council.

Following the MEC Ad Hoc Committee meeting of September 21, 2012, the committee chairman, a council member, placed on the Council's agenda the following:

"City Council to consider and decide on the expansion of the authority of the MEC Ad Hoc Committee to include the presentation of 1-3 RFP outlines for council consideration. Said

outlines shall take into consideration the recommendation of the MEC Ad Hoc Committee previously presented to the city council and all relevant input from interested persons. Outline must be consistent with the requirements of NPS (National Park Service). Council shall provide the MEC Ad Hoc committee and city staff with any other direction believed by the city council to be necessary and appropriate in assisting the committee to complete its duties. Council shall also receive, review and, where necessary, discuss the minutes of the MEC Ad Hoc committee as approved by said committee on Friday, Sept. 21, 2012."

This Council agenda item was continued to October 16, 2012 and then to November 7, 2012.

On November 7, 2012, this item was again continued per unanimous vote of the Council. This was because one of the MEC Ad Hoc Committee members, who was a Council candidate narrowly lead in the vote for a Council seat and that vote will not be certified until December 3, 2012. The committee member's election to the Council would require the appointment of a new member to the MEC Ad Hoc Committee.

The presentation in the joint session satisfied the requirements of the MEC Ad Hoc Committee subject only to further direction by the MCC.

COMMENTS IN RESPONSE TO GRAND JURY RECOMMENDATIONS:

GRAND JURY RECOMMENDATION R1: "The MCC should review the violations of the Brown Act by the MEC Ad Hoc committee with special emphasis on whether the violations call for specific cures to be adopted."

The recommendation has been implemented. Council and the city attorney have reviewed the findings of the Civil Grand Jury as it relates to the actions of the MEC Ad Hoc Committee and the alleged violations of the Brown Act. The members of the committee and the MCC have been fully informed by the city attorney as to the requirements of the Brown Act.

The Council is of the opinion that there is no need for special cures to be adopted, but in order to eliminate any potential future concerns as to the availability of the minutes and public documents, it is the Council's recommendation that a city staff member will serve as the

The City of Marina has many active projects that create a tremendous amount of work. The Council is not aware of any efforts put forth by any Council member that interferes with city staff work.

The present interim city manager has dedicated his efforts to meet with the city attorney, and city council members individually, so that there is a much better understanding of the respective roles of the participants. The interim city manager's efforts have given the city attorney, city staff and the members of the Council an approach that increases proper participation of the Council in city matters and assures that all parties are aware of the specific boundaries of their duties.

It is further noted, that as stated above, pursuant to the City Charter, it is the duty, obligation and responsibility of the City Council to develop plans and programs, provide adequate financial resources for, and to implement fully such plans and programs. Further the Council is charged with maintaining a revenue structure which ensures the public a basic level of city services, as determined by the City Council. As such, further analysis is required to understand the Grand Jury's determination that the City Council is "interfering" or "crossing the line" into staff functions rather than simply fulfilling their duties, obligations and responsibilities to the public under the Charter.

GRAND JURY RECOMMENDATION R4: "The MCC should encourage the City Attorney to take a more pre-emptive role in helping the MCC conduct its meetings. If procedural errors are identified and corrected immediately, the public will gain greater confidence in the operation of the MCC. The City Attorney has the experience to be helpful in this effort."

The recommendation has been implemented. The experience and knowledge of the city attorney and his staff as to the conduct of city council meetings is obvious. The City of Marina

has retained the legal services of the same law firm since the city's incorporation in 1975. The city attorney, or legal counsel from his office, attend every council meeting and is always available to render a legal opinion when asked by the public and/or a council member.

The results of the city election in November 2012 show a tremendous amount of confidence in Mayor Delgado, his conduct in meetings and his efforts to encourage the city attorney to continue to have a pre-emptive role in helping the Council conduct its meetings.

The present Council, interim city manager and the city attorney work "hand in hand" to make certain that the public's confidence in their efforts remains high.

GRAND JURY RECOMMENDATION R5: "The MCC should assign City staff to develop a satisfactory plan to protect the MEC property for the citizens of Marina. There are professional personnel on staff that can provide much needed expertise to the process. The professional staff should be used in this regard."

The recommendation has been implemented, as detailed above. The expertise of the city staff as it relates to the MEC property is being used to the maximum. The city attorney, finance director, city manager, recreation and cultural services director, and several city commissions have provided direction, information and guidance to the Council and the MEC Ad Hoc Committee in its efforts to comply with the requirements of the NPS.

The Council will continue to make certain that the involvement of the city staff, city attorney, etc. will remain at this high level.

The Council's establishment of the MEC Ad Hoc Committee has not diminished the involvement of city staff, city attorney, etc. It has increased their participation. The Council will continue to provide direction to the city staff in a manner that incorporates the staff's expertise and ensures full compliance with the NPS requirements for the MEC property.

///

TC 12/27/12



MONTEREY COUNTY

COUNTY ADMINISTRATIVE OFFICE

LEW C. BAUMAN
COUNTY ADMINISTRATIVE OFFICER

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December 17, 2012

The Honorable Timothy P. Roberts
Presiding Judge of the Superior Court
Monterey County Superior Courts
240 Church Street
Salinas CA 93901

SUBJECT: Response to 2012 Monterey County Grand Jury Interim Final Report No. 1

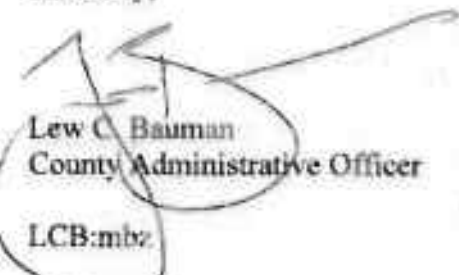
Dear Judge Roberts:

The Monterey County Board of Supervisors will consider approval of the recommended response to the 2012 Monterey County Grand Jury Interim Final Report No. 1 on Tuesday, January 8, 2013, at approximately 2 p.m., in the Board of Supervisors Chambers, Monterey County Government Center - Administration Building, 168 West Alisal Street, Salinas.

On behalf of the Board of Supervisors, I would like to invite you to attend. If you are available to attend, please notify Mary Zurita in the County Administrative Office at (831) 755-5113 or zuritam@co.monterey.ca.us as we would like to acknowledge your presence to the Board.

If you have any questions, please contact Ms. Zurita at the phone number or email address listed above.

Sincerely,


Lew C. Bauman
County Administrative Officer

LCB:mbz

cc: Nona Medina, Superior Court Administrative Analyst

WELLINGTON
LAW OFFICES

DEROAH NALL
ROBERT W. BATHIE
GEORGE C. THACHER
ROBERT R. WELLINGTON

RECEIVED

DEC 10 2012

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December 6, 2012

Monterey County Civil Grand Jury
P. O. Box 414
Salinas, CA 93902

Re: 2012 Grand Jury Interim Report No. 2; "Interference by Marina
City Council With City Staff Work/Marina Public Park At Risk";
Response by Marina City Council


Dear Sir or Madam:

The above-referenced Monterey County Civil Grand Jury Interim Report was reviewed and discussed by the Marina City Council at a public council meeting on November 7, 2012. The City Council, which by law is the entity which must respond to and comment upon your report, acted to appoint a committee of two council members to prepare a preliminary draft of responses to the report's findings and recommendations. These draft responses will then be reviewed, discussed and finalized by the entire City Council at a public meeting to be held in the very near future, with the Council's comments and responses on the report to be submitted to the Presiding Judge within the required time-line in mid-January.

If you have any questions about this matter, please do not hesitate to let us know.

Thank you for your courtesy and attention to this matter.

Very truly yours,


Robert R. Wellington
Marina City Attorney

RRW:dr

cc: The Honorable Timothy Roberts, Presiding Judge ✓
Leslie J. Girard, Chief Assistant County Counsel
Marina City Council
Interim City Manager Douglas Yount

City of Carmel-by-the-Sea

POST OFFICE BOX 66
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2000

1/17/13

January 10, 2013

Honorable Timothy P. Roberts, Past Presiding Judge
Monterey County Superior Court
240 Church Street
Salinas, CA 93901

Re: 2012 Monterey County Civil Grand Jury Interim Final Report No. 1

Dear Judge Roberts,

The City Council of the City of Carmel-by-the-Sea has read the 2012 Monterey County Civil Grand Jury Interim Final Report No. 1 and, in accordance with your request, respectfully offers the following responses:

Response to Finding 6 that: *"Although a private contractor appears to cost less than Monterey County Elections Department's bid for running Carmel-by-the-Sea's stand-alone municipal elections in April 2010 and 2012, city officials did not take into account the actual costs of paid staff time for their own city clerk and staff."*

The City Council disagrees partially with the finding.

The Council agrees that it is important to calculate both the direct and indirect costs of running a stand-alone election; however, in our situation, the staff involved were salaried employees and the total amount of time spent was relatively small.

Virtually all of the election responsibilities were conducted during regular business hours. The Carmel City staff members responsible for conducting the election are salaried, at-will employees not entitled to overtime or double time. As such, there were no additional costs to the City for staff working beyond eight hours per day.

The primary responsibility for which City staff was responsible when contracting with Martin & Chapman, but for which they would not have been responsible if contracting with the County Elections Department, is that of signature verification. While the 15 total staff hours dedicated to this responsibility fell within regular business hours, an additional \$116.15 was expended by the City for staff to travel to the Elections Department office in Salinas to verify signatures. Had staff not been salaried, the staff time would have amounted to \$610.56.

Further, in Recommendation 5, it said: *"The City of Carmel-by-the-Sea should consider all costs and the level of service provided by the competing choices when making a decision on who to use to conduct their elections in the future."*

The City Council would like to report that the recommendation has been implemented.

Aside from the \$33,000 cost savings achieved by contracting with Martin & Chapman, the level of service provided by the County Elections Department was also considered in the decision-making process by the City Council.

An important consideration in making the decision to utilize a contractor for the 2010 election was the length of time it took for the County Elections Department to tabulate and certify the results of the 2008 election. As noted in the attached 2008 article in the *Monterey County Weekly*, staff and candidates waited until midnight for ballots to be counted during the 2008 election. Prior to 2008 and during the 2010 and 2012 elections, results were determined within one to two hours after the closing of the polls. As has been tradition since the City's incorporation in 1916, all of the candidates and supporters gather at City Hall to hear the results and for a celebratory party. All ballots are counted after the closing of the polls, in the City Council Chambers, in front of all those who gather.

Additionally, with respect to levels of service, the County Registrar takes the full 28 days as allowed by law to certify the election results for November and June elections. Election results are certified the day after the April election by Martin & Chapman. This is of particular importance to the City of Carmel-by-the Sea. As the total number of registered voters is very small (2,741 registered voters in 2012) races are often decided by very few votes. For example, our City Council race in 2008 was decided by only 22 votes. Certified results for the November 2012 election, conducted by the County Elections Department, were provided to the City 28 days after the election. Should the City have consolidated with the County, our local municipal race results could have been held in limbo for almost a month.

The City Council has been diligent in both its research of the providers and its analyses of the election process during and after the 2010 and 2012 elections. Please let us know if you need any further information.

Respectfully submitted on behalf of the City Council of the City of Carmel-by-the-Sea,



Mayor Jason Burnett
City of Carmel-by-the-Sea

Stalling Pattern

Ballot counting changes, but Carmel voters stick to the tried and true.

BY KERA ABRAHAM

For nearly four hours late Tuesday, April 8, it was a waiting game in Carmel-by-the-Sea. Conversations piddled around grandkids, travels and recent surprises but inevitably returned to a central question: "When will the results be in?"

At City Hall, incumbent Councilmembers Karen Sharp and Ken Talmage chatted calmly. Mayor Sue McCloud was even more relaxed. Her only opponent was Dogmont McMill, a Za-Top dogeologer who campaigned under the slogan "Everybody Loves Dogmont."

The focus wasn't on the vote so much as the muddling with tradition.

For years, McCloud explained, Carmelites had been converging at City Hall around April on Election Night. The absentee ballots would already be counted. The registrar—recently Tony Anchondo, before admiring to stepping from employers—would bring the ballots from the precincts and run them through a machine right in front of the cake nibbling crowd. The results would pop up

on a screen, usually by 11:30pm or so, and then a silent faction would migrate to the Cypress Inn for celebratory or dolorful libations, as appropriate.

But this year Anchondo's replies—ment, Linda Tubett, instituted a slower ballot-counting procedure that left 60 or so people hanging around City Hall for hours, frowning at the lack of decal coffee. City Administrator Rich Guillen ramped away from the hubbub in his office, waiting for word.

Tubett said she was simply enforcing election code. It's her job that none of the paper ballots should be hand-counted until the voting is over, despite tradition. "My interpretation of the law is different," she said. "You cannot know the tally before the polls are closed."

This money could offer more assistance if Carmel held a regular election in February or June instead of its own special election in April, she added.

By 10pm, a thousand-out crowd shuffled to the Cypress Inn, where champagne and a crackling hearth awaited. But still no news. "Kinda took the bubble out of the party," said long-time



Statist Quis Incumbent Councilmember Karen Sharp (right) won a second term in office.

Carmelie Pam Maunagan.

Across town, at the home of Jose City Council challenger Michael LePage,

about three dozen people huddled, nibbled and waited. LePage's supporters, who tend to be critical of the sitting City Council and mayor, seemed more sympathetic to the registrar's perspective. Vinz Koller of the Monterey County Democrats said city-run special elections depress turnout and invite fraud.

At 11:45pm LePage pointed at the center of the room, head bowed. The results were in turnout was low. But McCloud had handily won a fifth term in mayor, with 667 votes to McMill's 195. Sharp and Talmage got 734 and 736 votes, respectively. LePage won 697. "I will still be a voice in this community," he said.

His supporters fled out of the house, deflated, at the pumpkin-hour of midnight. ■